

# **1997 REPORT**

## **UNITED STATES COURTS DISTRICT OF COLUMBIA CIRCUIT**

**Chief Judge Harry T. Edwards      Chief Judge Norma Holloway Johnson**

**Jill Sayenga, Circuit Executive**

This report was prepared by the Office of the Circuit Executive. Special thanks go to Dee Barrack and Estelle Chichester for their assistance in reviewing the final report. Copies are available from the Office of the Circuit Executive, Room 4826, E. Barrett Prettyman United States Courthouse, Washington, D.C. 20001.

Cover photographs are courtesy of Mark Thiessen of the National Geographic Society. The Circuit expresses its deep appreciation to Mr. Thiessen and, once again, to the National Geographic Society for their contributions to its 1997 Report.

Front Cover: E. Barrett Prettyman United States Courthouse  
Washington, D.C.

Back Cover: E. Barrett Prettyman United States Courthouse  
Trylon at Constitution Avenue Entrance  
Washington, D.C.

The Circuit also extends thanks to Beverly Rezneck/Photography and to Earl Howard Studios for providing the photographs of our judicial officers and managers and to others who provided photographs of courthouse activities.

Note: All statistics are for the calendar years ending December 31, 1996, and December 31, 1997.

## TABLE OF CONTENTS

Carrying out the Work of the Federal Courts .....	1
1996 and 1997 – The Years in Review .....	3
D.C. Circuit Participation in National Judicial Activities .....	12
D.C. Circuit Organization and Administration .....	13
The District of Columbia Circuit .....	15
District of Columbia Circuit Judicial Council .....	16
District of Columbia Circuit Judicial Conference .....	18
Office of the Circuit Executive .....	20
Judges’ Library .....	21
United States Court of Appeals .....	23
Report of Chief Judge Harry T. Edwards .....	25
The Circuit Judges .....	29
Office of the Clerk of the Court of Appeals .....	36
U.S. Court of Appeals Advisory Committees .....	37
U.S. Court of Appeals Workload Information .....	40

United States District Court .....	45
Report of Chief Judge Norma Holloway Johnson .....	47
The District Judges .....	51
The Magistrate Judges .....	58
Office of the Clerk of the District Court .....	60
United States Probation Office .....	61
Court Reporters .....	62
U.S. District Court Advisory Committees .....	63
U.S. District Court Workload Information .....	67
U.S. Probation Office Workload Information .....	71
United States Bankruptcy Court .....	75
The Bankruptcy Judge .....	77
Office of the Clerk of the Bankruptcy Court .....	77
U.S. Bankruptcy Court Advisory Committee .....	78
U.S. Bankruptcy Court Workload Information .....	79

# **Carrying Out the Work of the Federal Courts**

## 1996 and 1997 — The Years in Review

### Milestones

1996 and 1997 were years of transition. In July 1997 District Judge Norma Holloway Johnson became Chief Judge of the United States District Court, replacing Judge John Garrett Penn, who had been chief judge for more than five years. Two new judges — Colleen Kollar-Kotelly and Henry H. Kennedy, Jr. — joined the District Court bench. In addition, Magistrate Judge Deborah A. Robinson was appointed to a new eight-year term; Magistrate Judge Patrick J. Attridge retired but was recalled to serve an additional year; and John H. Facciola was sworn in as a new Magistrate Judge in August of 1997.

In the Court of Appeals, Judge James L. Buckley took senior status in September 1996. Merrick B. Garland was confirmed as a United States Circuit Judge in the spring of 1997.

Both courts experienced significant staff changes. Linda J. Ferren left the Circuit Executive's Office at the end of 1997 and was succeeded by Jill C. Sayenga, who had served as Deputy Circuit Executive for nine years. Joseph N. Alexander, formerly of the District Court Clerk's Office, became Administrative Assistant to the Chief Judge of the District Court following LeeAnn Flynn Hall's departure in December 1997. In addition, Ellen R. Finn became Special Assistant to the Chief Judge of the Court of Appeals in July 1996.



Chief Judge Johnson

### The E. Barrett Prettyman United States Courthouse

On March 20, 1997, at a dedication ceremony attended by more than 300 guests, the United States Courthouse was renamed in honor of former Chief Judge E. Barrett Prettyman. Judge Prettyman sat on the United States Court of Appeals for the District of Columbia Circuit from 1945 until his death in 1971 and served as Chief Judge from 1958 to 1960. During this special ceremony, the judges of both courts sat *en banc* in the Ceremonial Courtroom to hear Chief Justice William H. Rehnquist, Chief Judge Harry T. Edwards, Chief Judge John Garrett Penn, District Judge Louis F. Oberdorfer, Senator John W. Warner and E. Barrett Prettyman, Jr., commemorate the occasion. Also sitting with the judges for this special occasion were Associate Justices Antonin Scalia, Ruth Bader Ginsburg, and Clarence Thomas, all former judges of the Court of Appeals.

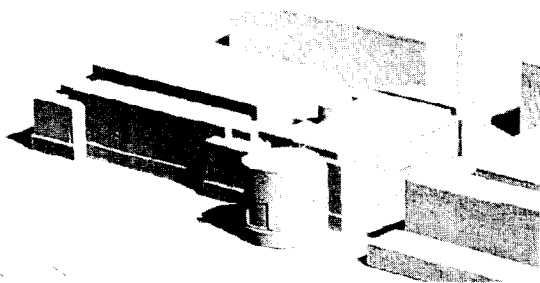


Senator Warner, a former law clerk to Judge Prettyman, sponsored the legislation renaming the courthouse in Judge Prettyman's honor. The new name — the E. Barrett Prettyman United States Courthouse — has been etched onto the granite facade of the building. A portrait of Judge Prettyman is displayed in the main lobby above a bronze plaque and display case containing memorabilia of Judge Prettyman's life and distinguished career.

## The New Annex

Planning for the Courthouse Annex began in earnest in July 1997 when Congress authorized the expenditure of design funds. The project architect is Michael Graves, who has won numerous design awards throughout his career and has developed an international reputation as one of the most innovative designers of the late 20<sup>th</sup> century. Also working on the project is Smith, Hinchman & Grylls (SH&G), the country's oldest architectural and engineering firm. An award-winning firm, SH&G has worked on many projects in the Washington area. The Graves/SH&G team brings a wealth of experience to the venture, having already participated in over fifty courthouse projects.

Architectural plans for the Annex have been developed through a series of workshops involving the design team, the chief judges and representatives from both courts, the General Services Administration and the U.S. Marshals Service. At the workshops, the architects presented various design schemes offering different architectural solutions. The exchange of ideas at the workshops will eventually culminate in the selection and development of a single design concept. The design work is expected to continue through 1998, with the final architectural drawings to be completed in 1999. Subject to the availability of funding from Congress, the project managers anticipate that construction of the Annex will begin in the year 2000.



One of the proposed design schemes for the Annex

This long-awaited addition to the courthouse will provide critically needed space for court

operations, including nine additional courtrooms, chambers, and expansion space for the support offices that have been experiencing space shortfalls since the late 1980s. In addition to addressing the circuit's severe space shortage, a problem that has been growing worse each year, the project will correct safety deficiencies in the courthouse and will provide for improved security.

## Advances in Technology

In 1996 and 1997, the courts of the D.C. Circuit employed state-of-the-art technology to work more efficiently and to make court-related information more accessible to the public. Both the Court of Appeals and the District Court installed Intranets, giving judges and court staff instant access to internal procedures and policies, court rules, docket sheets, courtroom schedules, calendars and other important documents. In addition, the Court of Appeals inaugurated an Internet site in February 1997 — reachable at [www.cadc.uscourts.gov](http://www.cadc.uscourts.gov) — to provide the public with access to a wide variety of information. Court forms, rules, schedules and other valuable information about practice before the court can be obtained from the web site.

In another important initiative, the Court of Appeals established a task force in late 1997 to study the issue of electronic filing. The task force has been asked to explore potential uses of electronic filing technology for the court and the bar, and to study the technical and procedural issues involved in implementing such a system. Its recommendations on measures to permit, encourage or require electronic filing of court documents are expected by the end of 1998. The task force is chaired by Douglas Letter of the United States Department of Justice.

In 1997, the Judges' Library upgraded its CD-ROM system with state-of-the-art technology. The original DOS-based system has been replaced with a Windows-based system that more than doubles storage capacity. Access is available through browser software, making use of the CDs

both easier and faster. In addition to allowing on-line access to numerous new publications, the CD-ROM system also replaces many looseleaf services that were both costly and time-consuming to file in hard-copy form. The Library also installed two stand-alone PCs with Internet connections, including one that permits public access to the Government Printing Office's electronic bulletin board, which contains a vast array of government materials.

Another technological milestone was achieved in July 1997, when District Judge Thomas F. Hogan presided over the first trial in the District Court's new electronic courtroom. The courtroom has won rave reviews from judges, who note that it speeds the pace of trials; from attorneys, who are better able to present evidence; and from jurors, who report that they feel more involved in the proceedings because they can read and study evidence more closely. Its new-generation equipment includes seventeen video monitors located throughout the courtroom (including eight in the jury box), ELMO and CD-ROM evidence presentation equipment that enable counsel to display evidence on the monitors, light pens to highlight evidence or documents, a video cassette recorder to allow the playback of evidence, and other sophisticated devices.

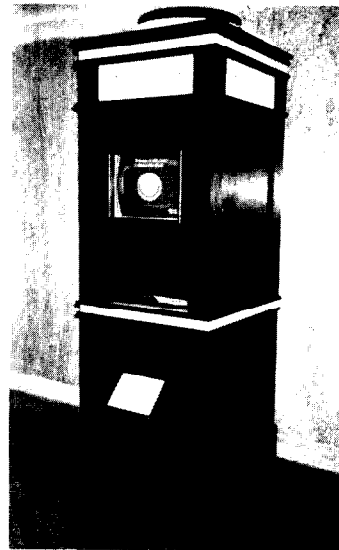


**The Electronic Courtroom**

Computers were also introduced into the Court of Appeals courtroom. At the start of the 1997-1998 term, laptop computers were made available to judges, law clerks and the courtroom deputy during oral arguments. Each laptop is

equipped with a "chat" program that allows the judges to communicate with each other and with the clerks and deputy while argument is underway. The system also permits communications, via electronic mail, between chambers and those in the courtroom. In addition, each computer is equipped with Westlaw, giving judges and clerks immediate access to relevant case law and statutes.

Finally, in November 1996 the District Court unveiled its "Court Connection Kiosk" — a fully interactive touch-screen computer available to the



public 24 hours a day. Located on the first floor of the courthouse just outside the Clerk's Office, the kiosk allows access to court schedules, docket information, forms and other material and also provides maps and directions to specific locations within the building.

## **Dispute Resolution Programs**

### *Mediation in the United States Court of Appeals*

1997 marked the tenth anniversary of the Appellate Mediation Program. Initially an experimental program, it is now an integral part of the Court of Appeals' case management system. The Mediation Program has been highly successful, thanks in large part to the skillful and untiring efforts of the court's volunteers. Forty-two experienced and dedicated members of the bar currently serve the court as volunteer mediators. Their many successes include settlements brokered in discrimination cases, tort actions, environmental



appeals, business disputes and government appeals involving the United States, its agencies or the District of Columbia. The mediator group has been chaired since the inception of the program by John H. Pickering of Wilmer, Cutler & Pickering.

As part of an on-going effort to review and assess each major element of the court's operations, the court determined in 1997 to undertake a study of the Appellate Mediation Program. The services of an outside expert were retained to analyze the design and operation of the current program and to offer suggestions for future program developments. The study will include a review of program procedures, methodology, staffing, mediator selection and training, and case selection. In addition to analyzing case data, the consultant will also interview judges, court staff and mediators, as well as attorneys and litigants who have participated in the program. The final report and recommendations are expected in 1999.

#### *Mediation in the United States District Court*

Over the past two years the number of cases referred to mediation in the District Court has increased dramatically. In 1995, 191 cases were referred to mediation. This figure jumped to 266 in 1997, a 39 percent increase.

An increasing number of high-profile cases were successfully mediated during this period. These cases included several highly complex class-action suits involving allegations of sexual harassment and race discrimination against federal and District of Columbia government agencies, as well as several cases involving controversial public policy matters. To address the growing complexity of the caseload, the program sponsored a two-day training session for new mediators in 1997 and also offered two specialized training seminars: one on mediating complex civil cases and another on mediating employment law cases. In addition, a roundtable discussion was held on ethical problems that often confront mediators during the mediation process.



**A training session for District Court mediators**

The court is deeply indebted to the many members of the bar who devoted hundreds of hours of their time, on a volunteer basis, to mediate its many difficult cases. It is equally indebted to counsel who worked cooperatively with court-appointed mediators to produce many successful results.

#### **Management Reforms, Strategic Planning and Other Improvements**

##### *Backlog Reduction in the Court of Appeals*

The Court of Appeals took several steps in 1996 and 1997 to streamline its motions practice. The most dramatic results were produced by the "Backlog Reduction Project," which was initiated in the spring of 1997. Staff attorneys from the Legal Division of the Clerk's Office began to present simple matters to the court orally, rather than through written memoranda. Within three months, the number of matters pending in the Legal Division had declined dramatically. Renamed the "Backlog Prevention Project," the new procedure has been retained as a permanent tool to supplement the more traditional written work of the division. The new procedures allow the court to maintain a strict 60-day deadline for presentation of motions, measured from the date the last brief or pleading is due to the date the matter is submitted.

### ***District Court Clerk's Office: Strategic Planning***

The District Court Clerk's Office held its first off-site strategic planning workshop in May 1997 at the Maritime Institute for Training in Baltimore. The meeting, which was attended by all Clerk's Office employees, was preceded by a full year of planning and launched a five-year plan to deliver improved services to the public. The Federal Judicial Center helped organize the meeting and provided a facilitator to assist with the discussions.

### ***Clerk's Office Renovations***

A major portion of the District Court Clerk's Office, including the intake area, was redesigned to create a "one-stop" location for members of the bar and the public to file pleadings, access records, review vacancy announcements and conduct other business. The renovation made the office more accessible by moving the public entrance to the main corridor of the building.



A new look for the District Court Clerk's Office

### ***Revised Local Bankruptcy Rules***

In 1996, the Local Bankruptcy Rules were substantially revised. With the assistance of the court's Advisory Committee on Local Bankruptcy Rules, which is chaired by Paul D. Pearlstein, the court issued the new rules in January 1997.

## **The Alien Terrorist Removal Court**

In addition to housing all courts of the D.C. Circuit, the E. Barrett Prettyman United States Courthouse also serves as the site for hearings held by the Alien Terrorist Removal Court. Created by Congress in 1996, this new court is composed of five district court judges from different circuits. Upon petition of the Attorney General, the court decides whether to order the removal of aliens from the United States in cases where there is classified information that the alien is a terrorist and deportation through ordinary immigration procedures "would pose a risk to the national security of the United States." Following a hearing at which the alien has the right to counsel and to present and examine evidence, the court may order immediate detention and removal. The Clerk of the United States District Court for the District of Columbia serves as its clerk, and appeals of the court's decisions are taken to the United States Court of Appeals for the D.C. Circuit. Staff from both the Court of Appeals and the District Court assist with the processing of these matters.

## **D.C. Circuit Historical Society**

The Historical Society has continued to move forward with its two major projects: preparation of a history of the D.C. Circuit courts and the development of oral histories of judges, lawyers and others who played key roles in the circuit's history.

A three-volume manuscript describing the history of the courts from 1801 through 1990 was completed by legal historian Jeffrey Morris in late 1997. Discussions with potential publishers are underway. The published edition will include illustrations and photographs gathered by Historical Society board members.

The Society's Oral History Project, an exceptionally ambitious undertaking, has completed 23 oral histories and has another 39 in pro-

gress. The Library of Congress, the Historical Society of Washington, D.C. and the Judges' Library in the E. Barrett Prettyman U.S. Courthouse all serve as repositories for this valuable collection. The interviews are being conducted by members of the bar — 52 in all — who have been trained in interviewing techniques. As part of its training efforts, in May 1997 the Historical Society sponsored a lively and practical workshop for 12 new and 15 experienced oral history interviewers.

The Historical Society is led by Daniel M. Gribbon, President, and District Judge Louis F. Oberdorfer, Chair. The Oral History Project has been coordinated since 1994 by Stephen J. Pollak.

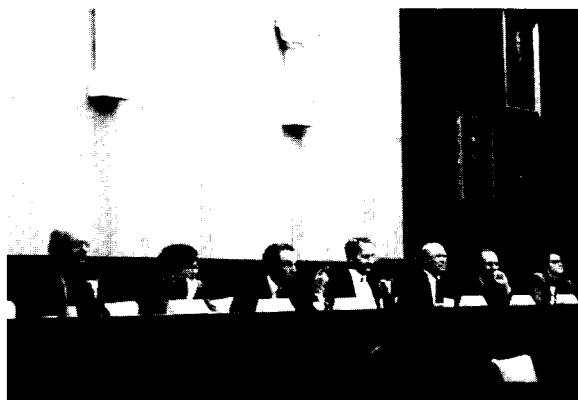
### **Naturalization Ceremonies**

Over 2,000 new United States citizens were honored in 1996 and 1997 during naturalization ceremonies sponsored by the District Court, with the support and assistance of the Daughters of the American Revolution and the Women's Bar Association. Presided over by a district court judge, the ceremonies are usually held in the Ceremonial Courtroom in the E. Barrett Prettyman U.S. Courthouse. However, both the National Archives and the National Park Service each host a special ceremony on an annual basis, and in 1996 the Superior Court of the District of Columbia hosted its first naturalization ceremony in honor of Hispanic Heritage Month.

Guest speakers at the ceremonies included Judge Frank Schwelb of the District of Columbia Court of Appeals; Chief Judge Eugene Hamilton and Judges Cheryl M. Long and Jose M. Lopez of the Superior Court of the District of Columbia; Mary Lou Leary of the United States Attorney's Office; United States Archivist John Carlin; Father Robert F. Drinan of the Georgetown University Law Center; Postal Rate Commissioner George Haley; immediate past-president of the District of Columbia Bar, Myles Lynk; headmaster of the St. Albans School, Reverend Mark H. Mullin; and Executive Director of Ayuda, Yvonne Martinez Vega.

### **Special Events**

#### *Court of Appeals Public Forum*



**The Public Forum's Appellate Advocacy Panel**

In April 1997 approximately 200 members of the bar attended the Court of Appeals' second Public Forum. Chief Judge Harry T. Edwards, Circuit Executive Linda Ferren and Clerk Mark Langer briefed the group on court-wide administrative procedures, case processing mechanisms and the latest workload statistics. The program provided an open exchange between the court and the bar regarding court operations and procedures. The program also included a presentation by then-U.S. Attorney Eric Holder on developments in the U.S. Attorney's Office that impact on the court and the bar, and a panel discussion on effective appellate advocacy. The panel was moderated by Professor Steven H. Goldblatt of Georgetown University Law Center and included Judges Wald, Silberman and Randolph, as well as Daniel M. Armstrong of the Federal Communications Commission, John Fisher of the U.S. Attorney's Office, Laurence Gold of Bredhoff & Kaiser and Maureen Mahoney of Latham & Watkins.

#### *Probation Office Conference*

The United States Probation Office sponsored the region's annual tri-district probation and pretrial services conference in August 1997 at the Wintergreen Resort. In attendance were Probation

Office employees from the District of Columbia, Maryland and the Eastern District of Virginia, and Pretrial Services employees from Maryland and the Eastern District of Virginia. Guest speakers included the Honorable Rich Leonard of the United States Bankruptcy Court for the Eastern District of North Carolina; Eunice R. Holt Jones, Chief of the Probation and Pretrial Services Division of the Administrative Office of the United States Courts; and David R. Leathery, Chief of the Probation and Pretrial Programs of the Court Education Division of the Federal Judicial Center.

### *Honoring Courthouse Staff...*



AO Director Leonidas Ralph Mecham  
and Richard A. Houck, Jr.

- ◆ Chief Probation Officer Richard A. Houck, Jr., was a 1997 recipient of the prestigious Director's Award for Outstanding Leadership from the Administrative Office of the United States Courts. Administrative Office Director Leonidas Ralph Mecham presented the award to Mr. Houck on June 12, 1997, in a ceremony held in the Ceremonial Courtroom. The award recognized Mr. Houck's many accomplishments and the initiatives he has undertaken in the Probation Office.
- ◆ The Court of Appeals held its Second and Third Annual Employee Appreciation

Days in June of 1996 and 1997. During the celebrations, the court paid tribute to its staff for their hard work, unwavering dedication, and their commitment to public service. Special awards were presented for Outstanding Employee of the Year, Exceptional Accomplishments, and Peer Recognition.

- ◆ The District Court held its annual awards ceremonies in October of 1996 and 1997 during which employees were recognized for their outstanding achievements. Awards were presented in the following categories: Innovation and Change, Special Acts, and Sustained Superior Performance. A highlight of the 1997 event was the presentation of the specially created Outstanding Leadership Award to Court Clerk Nancy Mayer-Whittington.
- ◆ Awards ceremonies were held by the Probation Office in November 1996 and October 1997 to honor those employees whose outstanding performance was above and beyond the call of duty. The 1996 ceremony included a special tribute to long-time employee Delores Richardson, a Probation Clerk who died unexpectedly in October.

### *... and Court Volunteers*

On May 14, 1997, Chief Judge Edwards and members of the Court of Appeals hosted a reception in honor of members of the bar who serve the court as members of its advisory committees and as volunteer mediators. At the reception, Chief Judge Edwards expressed the court's appreciation to the volunteers for their dedicated service and commended them for the countless hours they devoted throughout the year in service to the court. The reception was held in the Archivist's Reception Room at the National

Archives. The guests were invited to tour the rotunda where the nation's most important historic documents are on display.



Samuel Dash and John H. Pickering  
with Chief Judge Edwards

On December 2, 1997, a reception was held to honor members of the United States District Court's Civil Pro Bono Panel for their dedicated service. Chief Judge Johnson and Judge Robinson, Chair of the Court's Advisory Committee on Pro Se Litigation, addressed the panel members and the many judges in attendance. Chief Judge Johnson presented a Certificate of Appreciation to each panel member who had accepted an appointment during the past year.

### *Portrait Presentations*

Portraits of three judges were unveiled in 1996 and 1997:

- ◆ The Honorable Robert H. Bork's portrait was presented to the Court of Appeals on April 19, 1996. Judge Bork sat on the Court of Appeals from 1982 to 1988.
- ◆ A portrait of Judge Harold H. Greene was unveiled on November 7, 1996. Judge Greene joined the District Court in 1978 and took senior status in 1995.

- ◆ Judge Charles R. Richey's portrait was presented on June 13, 1997. Judge Richey sat on the District Court from 1971 until his death in March 1997.

## **Courthouse Life**

### *Black History Month*

Courthouse employees celebrated Black History Month in February of 1996 and 1997 with a round of special events and activities. The 1996 events included a gospel music concert by The Wright Singers and a fashion show of original designs by Edith Aninye. Speakers that year included Chief Judge Annice M. Wagner of the D.C. Court of Appeals; genealogist Lori E. Hunter; storyteller Peggy "Abena" Disroe; Professor Anita L. Allen; and attorney Dovey J. Roundtree. Presentations in 1997 were equally exciting and featured singer and dancer Nysi D'or; George Haley, Commissioner of the Postal Rate Commission; and Walter B. Hill, Jr., Deputy Vice President of Credit and Administration for the Export-Import Bank of the United States.



Court staff model contemporary  
African-American designs

### *Take Our Daughters to Work Day*

The highlight of the "Take Our Daughters to Work Day" in both 1996 and 1997 was a moot court trial (*Mom A. Bear v. Golden Locks* in 1996 and *United States v. Mary Lamb* in 1997), presided over by District Judge Norma Holloway Johnson and presented by district court law clerks. Ten young women participated in 1996 and 13 in 1997. In 1996, the participants were welcomed by Chief Judge John Garrett Penn and, after watching the *Bear* case, spent some time "court watching," had lunch with Judge Johnson, visited with Judge Gladys Kessler and met with a Deputy U.S. Marshal. In 1997, the young women visited with Chief Judge Penn, served as the jury for the *Lamb* case, toured the courthouse with a Deputy U.S. Marshal, visited the Systems Office and had tea with Judge Johnson and Magistrate Judge Deborah Robinson.

### *Readin', 'Ritin', and 'Rithmetic*

In 1997, the Court of Appeals staff adopted the entire first-grade class of J.O. Wilson Elementary School in Washington, D.C. Twice a week, volunteers from the court visit each of the four first-grade classrooms and provide an hour of one-on-one tutoring for those children most in need of help with basic arithmetic, reading and writing skills. Twenty-five volunteers contribute their time twice each month. The tutors will continue working with the students throughout their elementary school years, following the class as it progresses from grade to grade. The court has also donated excess PC equipment for use in the classrooms and court staff have donated supplies, books and games for use by the children.



A tutoring session at J.O. Wilson Elementary School

# D. C. Circuit Participation in National Judicial Activities

## U.S. Judicial Conference Activities

By statute, the chief policymaking body for the federal judiciary on the national level is the U.S. Judicial Conference. 28 U.S.C. § 331. The Conference, originally known as the Conference of Senior Judges, was established in 1922. Since that time, the Conference has undergone substantial modification in composition and responsibility. Originally, only the chief judge of each circuit participated in the Conference; now all circuit chief judges and a district court judge from each circuit participate. The Conference, which convenes in the spring and fall of each year, is chaired by the Chief Justice of the United States. At both 1996 sessions and at the March 11, 1997 session, the D.C. Circuit was represented by Chief Judge Harry T. Edwards and Chief Judge John Garrett Penn. At the September 23, 1997 session, the D.C. Circuit's representatives were Chief Judge Harry T. Edwards and Chief Judge Norma Holloway Johnson.

The Conference oversees all major aspects of national judicial administration. This broad mandate includes responsibility for formulating policy, establishing national standards, developing the federal judiciary's budget for presentation to Congress, evaluating judicial performance, and recommending and commenting on legislation that affects judicial operations.

Most of the work of the Conference is carried on throughout the year by an extensive network of standing and special committees. Federal judges from across the nation serve as members of the committees, and the Administrative Office and the Federal Judicial Center provide staff support. The Chief Justice makes committee appointments for three-year terms. Generally, judges do not serve more than two consecutive terms on any one committee.

As in the past, the D.C. Circuit continued to be well represented on Conference committees. The following is a list of D.C. Circuit judges who were serving on Conference committees at the close of 1997:

Circuit Judge **Patricia M. Wald**  
Committee on Court Administration and Case Management

Circuit Judge **Douglas H. Ginsburg**  
Committee on the Budget

Circuit Judge **A. Raymond Randolph, Chair**  
Committee on Codes of Conduct

Circuit Judge **David S. Tatel**  
Committee on Judicial Resources

District Judge **Ricardo M. Urbina**  
Committee on Security and Facilities

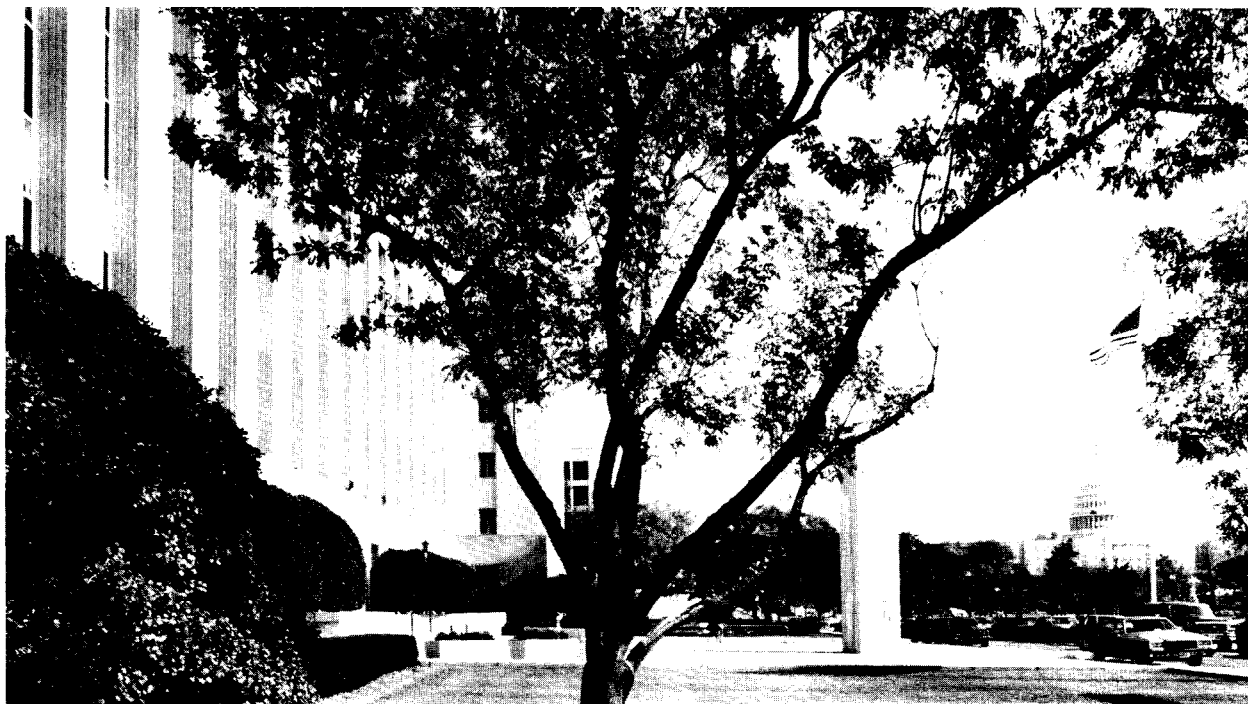
District Judge **James Robertson**  
Committee on Automation and Technology

Senior District Judge **Joyce Hens Green**  
Committee on the Judicial Branch

Senior District Judge **Stanley S. Harris, Chair**  
Committee on Intercircuit Assignments

**D.C. Circuit  
Organization and  
Administration**





E. Barrett Prettyman United States Courthouse, Washington, D.C.

Photograph by Joseph Bailey

## The District of Columbia Circuit

The District of Columbia Circuit is composed of three courts: the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the District of Columbia, and the United States Bankruptcy Court for the District of Columbia. While most federal circuits encompass courts located in several different states, the District of Columbia Circuit is unique in that all courts of the circuit are located in one building. The E. Barrett Prettyman United States Courthouse in Washington, D.C. houses the judicial officers and staff of all three courts, including the Clerks' Offices, Probation Office, Circuit Library, and Circuit Executive's Office. Security services at the courthouse are provided by the U.S. Marshals Service, which is also located in the building.

At the close of 1997, one vacancy remained on the Court of Appeals and two existed on the District Court. The Court of Appeals vacancy

occurred when Judge James L. Buckley took senior status in September 1996. The vacancies on the District Court occurred when Judge Stanley S. Harris took senior status in February 1996 and Judge Charles R. Richey took senior status in January 1997.

The circuit suffered the loss of one judge in 1997 — District Judge Richey died in March after nearly 26 years on the court.

Although the individual courts of the circuit operate independently, they are interdependent in many respects. In addition to sharing many common concerns and needs, the courts also share responsibility for a variety of administrative duties. Several entities help the courts address these circuit-wide issues: the Circuit Judicial Council, the Circuit Judicial Conference, the Office of the Circuit Executive, and the Circuit Library.

# District of Columbia Circuit Judicial Council

The primary function of the Circuit Judicial Councils is to improve the administration of justice by acting on issues that affect the internal operations of their circuits. Each council is empowered by statute to "...make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit." 28 U.S.C. § 332 (d)(1). Within this broad grant of supervisory power, the councils have two important mandates: formulation of circuit policy and implementation of policy directives received from the United States Judicial Conference and, in some instances, Congress.

The law provides that each council must consist of the chief judge of the court of appeals and an equal number of circuit and district court judges. The circuit judges in regular active service vote to determine the size of the councils, and councils are free to develop their own procedures and practices with respect to the selection of council members. Chief circuit judges serve as the presiding officers of their respective councils.

The D.C. Circuit's Judicial Council consists of 13 members. Meetings are called at least twice each year, and special meetings are held when necessary. At the close of 1997, the members were:

Chief Circuit Judge Harry T. Edwards

Circuit Judge Patricia M. Wald  
Circuit Judge Laurence H. Silberman  
Circuit Judge Stephen F. Williams  
Circuit Judge David B. Sentelle  
Circuit Judge Karen LeCraft Henderson  
Circuit Judge A. Raymond Randolph  
Chief District Judge Norma Holloway Johnson  
District Judge John Garrett Penn  
District Judge Thomas F. Hogan  
District Judge Royce C. Lamberth  
District Judge Ricardo M. Urbina  
District Judge Colleen Kollar-Kotelly

## Council Actions in 1996 and 1997

In 1996, the Judicial Council of the D.C. Circuit approved a policy defining authorized users of the Judges' Library to include court personnel, members of the Court of Appeals and District Court bars, counsel or parties involved in cases pending in the circuit, persons granted permission by a judge of the circuit and individuals wishing to use the government document collection housed in the Library.

The council also approved a new Employee Grievance Procedure previously adopted by the Court of Appeals as well as a circuit-wide Sexual Harassment Policy. The Sexual Harassment Policy defines sexual harassment and outlines procedures to be followed in reporting and processing harassment complaints. The policy was developed by a committee comprised of Circuit Judge David S. Tatel, District Judge Gladys Kessler, Zachary D. Fasman, and Professor Wendy Williams.

Following the adoption of a 1996 amendment to 28 U.S.C. § 333, which made the holding of circuit judicial conferences and attendance by judges optional, the council voted to hold judicial conferences biennially beginning in 1998.

In 1996, the council also approved a rule establishing procedures for disposing of petitions for review of judicial misconduct complaints in situations in which a majority of the Judicial Council is disqualified from considering the complaint. The new rule provides for the designation of temporary council members from among the active judges not serving on the council for the purpose of acting upon the petitions.

In 1997, the council addressed the issue of courtroom sharing by senior judges. The council endorsed a policy adopted by the District Court calling for a courtroom to be provided for each active and senior judge requiring substantial use of a courtroom.

The council, in fulfillment of other statutory and governance duties, also approved amendments to the courts' Criminal Justice Act (CJA) Plans, reviewed reports identifying all CJA vouchers pending more than 90 days, and reviewed amendments to the District Court's local rules. In addition, the council responded to requests for comments on issues pending before U.S. Judicial Conference committees, including proposed guidelines for the inter- and intra-circuit assignment of magistrate judges and policies for calculating courtroom requirements.

## District of Columbia Circuit Judicial Conference

At his first Circuit Judicial Conference since he assumed the position of Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit, Chief Judge Harry T. Edwards introduced new Circuit Judge David S. Tatel to the 500 judges, attorneys and other guests who gathered in Williamsburg for the circuit's fifty-sixth conference. Chief Judge John Garrett Penn introduced the five new District Court judges: Judges Gladys Kessler, Paul L. Friedman, Ricardo M. Urbina, Emmet G. Sullivan, and James Robertson.

Along with Professor Susan Low Bloch, Chief Judge Edwards also co-chaired a dialogue on "Regulating Violence on Television." The panelists, Honorable Rachelle B. Chong, Dean Thomas G. Krattenmaker, Honorable Newton N. Minow, and David Westin, exchanged ideas with Judge Edwards and Professor Bloch about a number of timely and controversial issues such as the government's role in regulating commercial programming on television, parental advisories, program rating systems, and the V-chip.

Another conference highlight was a lively discussion led by Chief Justice William H. Rehnquist on "Ethics and the Government Lawyer — Do the Rules Apply?" By posing a question to each panelist in his or her specific area of expertise, the Chief Justice brought all panelists — Professor Angela Jordan Davis, Honorable Edward S.G. Dennis, Jr., Honorable Jamie S. Gorelick, Professor Bruce A. Green, and Honorable Marilyn Hall Patel — directly into the discussion on whether and how the ethical obligations of government attorneys differ from those of lawyers in private practice, the ethical considerations affecting communication between prosecutors and defendants, and changes over the years in the role of federal prosecutors as investigators.

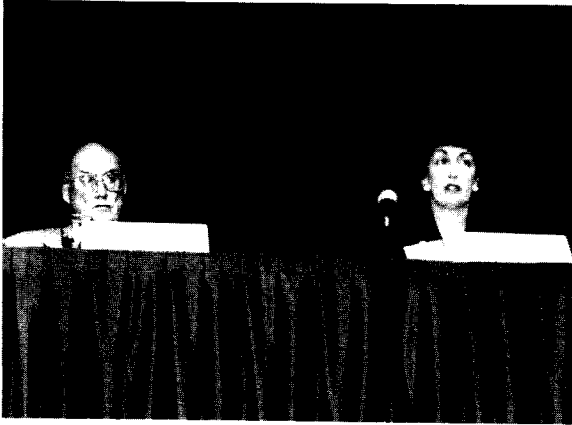
Courtroom innovations such as direct judicial "assistance" to jurors, time management in the courtroom, and technology were the focus of the

final conference panel, moderated by Judge Ricardo M. Urbina. Jury reforms were described and debated by Professor Jeffrey B. Abramson, Honorable B. Michael Dann, Nathan Lewin, and Honorable Gregory E. Mize.

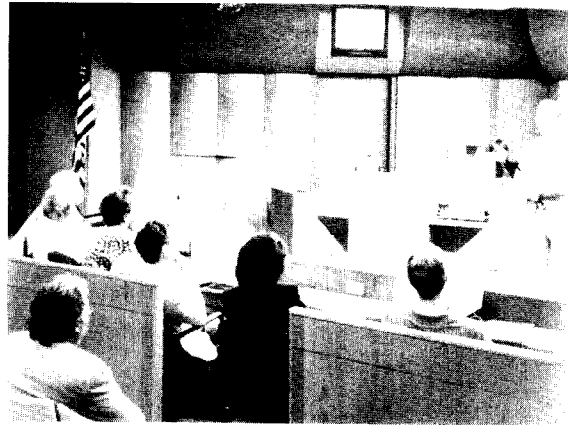
The highlight of the circuit's traditional banquet was an anecdotal and humorous address by Scott Turow, author of *Presumed Innocent*, *The Burden of Proof*, *Pleading Guilty*, and *One L: The Turbulent Story of a First Year at Harvard Law School*. Mr. Turow touched upon his early impressions of law school through his experiences as an attorney, his double life as an attorney and published author, and his first encounter with Harrison Ford, the Hollywood star who played a leading role in the film version of *Presumed Innocent*.

Conferees saw Jill Sayenga, Deputy Circuit Executive, receive the Director's Award for Outstanding Leadership, a prestigious award given to managers for outstanding long-term leadership contributing to the improved efficiency and administration of the federal courts. Also honored were Charles A. Horsky and Robert L. Weinberg for their many years of quality service chairing Circuit Judicial Conference committees on Civil Legal Aid and *pro se* matters.

District Judge Norma Holloway Johnson chaired the Arrangements Committee for the June 12-14, 1996 conference. District Judge Ricardo M. Urbina served as Program Chair and Myles V. Lynk as Membership Chair. Other Arrangements Committee members were Circuit Judges Douglas H. Ginsburg, A. Raymond Randolph, and Judith W. Rogers, as well as Professor Susan Low Bloch, Nathan Lewin, Poli A. Marmolejos, and Professor Stephen A. Saltzburg. Circuit Executive Linda J. Ferren served as Secretary to the conference, and Chief Judges Harry T. Edwards and John Garrett Penn served as *ex officio* members of the committee.



Panel Discussion — Ethics and the Government Lawyer



Courtroom 21 at the Marshall-Wythe School of Law,  
College of William and Mary



Jill Sayenga receives the  
Director's Award for Outstanding Leadership  
from General Counsel William R. Burchill, Jr.



Barbecue dinner at the Williamsburg Lodge



On your mark, get set . . . .

## Office of the Circuit Executive



Jill Sayenga  
Circuit Executive

The Office of the Circuit Executive was established in 1971 to provide management assistance to all courts of the circuit. The primary function of the Circuit Executive's Office is to facilitate the administrative operations of the circuit. The Circuit Executive

performs three separate but related functions.

As the Secretary to the Circuit Judicial Council, the Circuit Executive serves as the executive officer of the council, providing such administrative services as implementing policies, developing programs, organizing and staffing council committees, and performing other duties mandated by Congress or the U.S. Judicial Conference.

The Circuit Executive also serves as the administrative and management assistant to the Chief Judge of the circuit. In this role, the Circuit Executive acts as the principal administrative officer of the circuit, performing a wide range of nonjudicial duties including the development and administration of alternative dispute resolution programs, space and facilities management, automation planning and development, financial planning and oversight, and inter-office coordination. In addition, the Circuit Executive serves as the Chief Judge's representative and the circuit's liaison to many committees and to agencies and organizations that are involved in circuit activities such as the Historical Society of the District of Columbia Circuit.

Finally, the Circuit Executive is a chief staff officer of the Court of Appeals, responsible for coordinating such nonjudicial aspects of Court of Appeals operations as budget development, planning, and oversight; supervision of automation support activities; space planning; and the coordination of special events.

## Judges' Library



Nancy Padgett  
Circuit Librarian

The Judges' Library is the circuit's primary law library. In addition to maintaining the Library's extensive collection, the six staff members assist the circuit's judicial officers and staff by serving as consultants for chambers book collections, performing

research services, and acting as guides to the latest publications in law, social science, and current events. Located on the third and fifth floors of the courthouse, the Library is under the

direction of an intra-circuit committee composed of Circuit Judge Merrick B. Garland and Senior District Judge Louis F. Oberdorfer. The Library is open to members of the bar.

The Library's collection includes more than 150,000 books, over 300 periodicals, and many large microform sets such as Supreme Court briefs, congressional hearings, and both the *New York Times* and the *Washington Post*. Numerous books and other reference materials are also available on CD-ROM.

Because of its 44-year policy of maintaining a complete collection of congressional documents, the Library serves as a primary congressional source for the eleven other federal circuit libraries as well as many Executive Branch agencies and private law firm libraries throughout the Washington metropolitan area.

**United States  
Court of Appeals**



## Report of Chief Judge Harry T. Edwards

The past two years have seen great activity and numerous changes at the Court of Appeals. In September 1996, Judge Buckley took senior status. He has continued to hear cases, however, and the court has been grateful for his sterling service. Merrick B. Garland was confirmed in the Spring of 1997 and is now completing his first full term as a member of the court. With the addition of Judge Garland, the court now has eleven active judges (Chief Judge Edwards, Judge Wald, Judge Silberman, Judge Williams, Judge Ginsburg, Judge Sentelle, Judge Henderson, Judge Randolph, Judge Rogers, Judge Tatel, and Judge Garland), and one senior judge (Judge Buckley).

One of the most significant changes for the circuit occurred in December 1997, when Linda Ferren left her position as Circuit Executive to become the Executive Director of the Commodity Futures Trading Commission. Linda served as Circuit Executive for nearly ten years and no words can express the gratitude that she is due for the tireless and brilliant service that she gave to the courts of the District of Columbia Circuit. During her tenure, Linda marshaled major advances in ADR programs, automation, telecommunications, employee grievance procedures, annual reports, training, building services and security, planning for the new courthouse Annex, community relations, publications, budget management, inter-circuit relations, Circuit Judicial Conference planning, and Judicial Council operations. Linda never stopped short of giving whatever was required to ensure the best in her work. Everyone who worked with her — at the Administrative Office of the Courts, Federal Judicial Center, the Judicial Conference of the United States, and other Circuit Executives — viewed her as a consummate professional. There was simply no better Circuit Executive in the United States. She will be missed.

Fortunately, Linda Ferren left her office in the good hands of Jill Sayenga, her successor. Jill served as Deputy Circuit Executive for over nine years before her promotion by the Circuit Judicial Council to the Circuit Executive's position in January of this year. The reasons for her selection were simple: she is both smart and talented; she had first-hand experience in the work of the Circuit Executive — as the Deputy Circuit Executive, she shared work responsibilities with Linda Ferren in every aspect of the job; she is a tireless worker; she is scrupulously honest in all of her dealings; she knows the workings of the courts of the D.C. Circuit, as well as the workings of the Circuit Judicial Council, the Administrative Office of the Courts, the Judicial Conference of the United States, and the Federal Judicial Center; she has unique talents in personnel management, automation, and budget matters; she has been recognized for her work, receiving the Director's Award for Outstanding Leadership in June 1996 and the Chief Judge's Award in June 1991; and she is highly respected and extremely well liked by the judges, managers, and staff. Jill was perfectly suited for the job and had more than earned the position with her spectacular performance as Deputy.

Another change for the circuit has been the name of our courthouse. On July 1, 1996, Public Law 104-151, 110 Stat. 1383, was enacted providing that "The United States Courthouse located at 3rd Street and Constitution Avenue, Northwest, in Washington, District of Columbia, shall be designated and known as the 'E. Barrett Prettyman United States Courthouse.'" Judge Elijah Barrett Prettyman was appointed to the U.S. Court of Appeals for the D.C. Circuit by President Harry S Truman in 1945, and he served as Chief Judge of the Circuit from 1958 to 1960. A ceremony was held on March 20, 1997 to commemorate the naming of the courthouse. In addition to the undersigned, speakers included Chief Justice William H. Rehnquist, then-Chief Judge John Garrett Penn of the District Court, Judge Louis F. Oberdorfer, Senator John W.

Warner, and E. Barrett Prettyman, Jr., Esquire. Senator Warner was introduced by Judge Oliver Gasch. The unveiling of Judge Prettyman's portrait, a commemorative plaque, and a display case of memorabilia of Judge Prettyman's life and career was conducted by Judge Prettyman's children, E. Barrett Prettyman, Jr. and Courtney Paddock. The event was a wonderful way to look back, not only at Judge Prettyman's life and career, but at the history of the courts and courthouse of the D.C. Circuit.

On April 16, 1997, the Court of Appeals hosted its second Public Forum. The court's first Public Forum, held in 1995, was designed to help the court and staff understand better the needs of the bar and the public-at-large; to solicit suggestions from those served by the court on ways in which it could improve delivery systems; to explain the Clerk's Office (from the perspective of the judges and staff) to those who use it; and to implement changes that would facilitate improvements. The focus of the 1997 Public Forum was slightly broader: rather than focus solely on the Clerk's Office, the court reported on developments and solicited advice from members of the bar on the operation of all of the court's units. In addition, then-U.S. Attorney Eric Holder spoke on developments in his office and how they might affect the courts and bar, and a panel discussion was held on effective advocacy before the appellate court. The panel discussion was moderated by Professor Steven H. Goldblatt of Georgetown University Law Center, and the participants included Judges Wald, Silberman, and Randolph, along with Daniel Armstrong of the FCC, John Fisher of the U.S. Attorney's Office, Laurence Gold of Bredhoff & Kaiser, and Maureen Mahoney of Latham & Watkins. By all indications, the event was a great success and provided a welcome opportunity for thoughtful interactions between the judges, court managers, and members of the bar.

Planning for the Public Forum and the actual meeting itself caused the judges and staff to recognize that improvements had to be made in some Clerk's Office and Legal Division procedures to streamline operations and allow for more expeditious processing of motions and appeals. As a consequence, the court has adopted a number of changes in operating procedures, including the following:

- ▶ Circuit Rule 29(b), governing briefs of an *amicus curiae*, was amended to allow the Clerk to grant an unopposed motion for leave to participate as *amicus* filed more than 60 days after the docketing of a case, so long as the *amicus* brief will be filed within the time allowed for the filing of the brief of the party the *amicus* supports.
- ▶ An expedited procedure was developed to speed up the disposition of uncomplicated motions. The court found that some of the backlog in the Legal Division, and some delay in the disposition of motions, was caused by the requirement that a staff attorney write a full-blown memorandum on each motion, despite the fact that the proper dispositions of many motions were so clear that they could be explained without an extensive written memorandum. Cases are now screened as they enter the Legal Division to identify motions that, once fully researched, are sufficiently clear that only an oral presentation of the issues is required to reach a disposition. Once a month, these cases are presented to the Chief Judge. The Chief Judge's recommendations are then forwarded to two other judges for their concurrences. Any of the judges can ask for the full case materials or for additional briefing from the staff attorney. As a result of this procedure, the backlog in the Legal Division has dropped from a high of 356 cases in September 1996 to an average of 128 cases during the 1997-1998 term, and the average age of cases pending in the Legal Division has dropped from a high of 241 days in February 1997 to an average of 177 days during the 1997-1998 term.
- ▶ A new rule was instituted requiring that all cases in the Legal Division be presented to a Special Panel within 60 days of the filing of the final brief or response. So far this term, the average age from ready-date to submission has been 23 days, and no case has been presented past the 60-day deadline.

- ▶ The court's processing of criminal appeals has also improved dramatically. The average number of days from filing to disposition in criminal cases has dropped from 608 days in 1995, to 458 days in 1996, to only 367 days in 1997. The average age of pending criminal cases has similarly dropped from 338 days in 1995, to 263 days in 1996, to 208 days in 1997.
- ▶ The court is considering new procedures to dispose of sealed records that currently must be maintained by the court because they may not be sent to the Federal Records Center under Judicial Conference regulations. Records that have already accumulated will be reviewed and, in appropriate cases, orders to show cause why the records should not be unsealed will be issued. As new cases arise, orders sealing records will require sealing to be reviewed automatically after 10 years. It is hoped that these two steps will significantly reduce the number of sealed records that must be maintained.
- ▶ The court is also working on developing tighter controls on the time limits for filing briefs, the standards for extensions on briefs, and sanctions for failure to timely file briefs. The goal is to make the court's rulings on these issues more consistent and to ensure that time limits are respected.
- ▶ Finally, the court is changing the way it sets briefing schedules. In the past, the final brief was scheduled to be filed 30 days prior to arguments, with other briefs scheduled backwards from those dates. Starting in the 1998-1999 term, the final brief will be due no less than 50 days prior to argument. This change is intended to give the judges more time to prepare for oral argument, not to create a cushion for counsel seeking extensions.

The Court of Appeals has continued to employ advances in automation technology to facilitate the work of the judges, staff, attorneys, and litigants, and to make information more readily available to the public-at-large. In January 1997, the court launched an Internet site, which provides a wealth of information about the court's activities and operations. The court's oral argument calendar, local rules, procedures, opinions, and forms all can be viewed online, printed, or downloaded. The Internet site is currently being redesigned, along with the court's internal Intranet site, with an aim to add more materials and make them more easily accessible to users. Suggestions for further improvements of the Internet site can be transmitted by e-mail from the web site itself. The address of the Internet site is [www.cadc.uscourts.gov](http://www.cadc.uscourts.gov).

On a related front, a Task Force has been appointed to study the issue of electronic filing and to recommend to the court rules and procedures to permit, encourage, or require electronic filing of motions, briefs, records, and other such documents. The Chair of the Task Force is Douglas Letter of the Department of Justice, and the committee members include: Kenneth Bass, Venable, Baetjer & Howard; Susan Court, Federal Energy Regulatory Commission; Mark Evans, Kellogg, Huber, Hansen, Todd & Evans; Ellen Finn, Special Assistant to the Chief Judge; Kenneth Geller, Mayer, Brown & Platt; Jack Goodman, National Association of Broadcasters; Tracy Hauser, Staff Attorney, U.S. Court of Appeals; Steve Kaplan, Assistant Circuit Executive for Automation; A.J. Kramer, Federal Public Defender; Mark Langer, Clerk; John Nannes, Skadden, Arps, Slate, Meagher & Flom; and Grey Pash, Federal Communications Commission. We hope to have the results of their work within the next year.

The courthouse Annex and renovation project was cleared to begin in July 1997 when the House of Representatives authorized the expenditure of design funds. The architect for the Annex project is Michael Graves, who has been described as "one of the few truly original American architectural voices of our time" and "one of this country's best known and most influential architects." Graves has won over 100 awards for his designs in architecture, interiors, products, and graphics, and has developed an international reputation for his outstanding work.

Working with Graves on the Annex project is Smith, Hinchman & Grylls (SH&G), the country's oldest and third largest architectural and engineering firm. SH&G has won awards for its work on a variety of projects, many of which can be seen in the Washington area.

A number of design workshops — involving exchanges of ideas between judges and staff, officials from the General Services Administration, and members of the architectural team — have been held to select a building concept. The building design will be developed into a final plan and, subject to further congressional funding, it is anticipated that construction will begin in 2000.

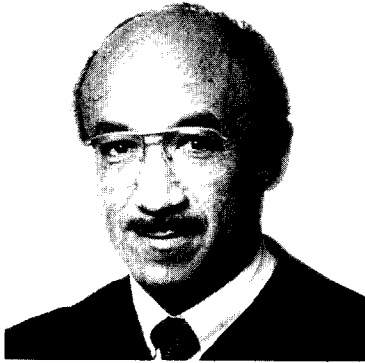
In a continuing effort to assess and improve the work of the operating units, outside consultants recently have been hired to evaluate the court's automation and mediation programs. The automation consultants completed their work in December 1997 and their conclusion was that the court's automation operations are among the best in the legal community. The consultants also confirmed that the court was well positioned to respond to future developments in the market. The Automation Team is now testing and installing voice-recognition software for judges and staff; the team is also pursuing new and better arrangements for desktop computer operating systems to accommodate changes in the court's internal Intranet site. The work of the mediation consultant is ongoing; we look forward to a final report within the next year.

Our aim in conducting these evaluations, as with others that have been completed in the past, is to ensure that the court's operations function efficiently and effectively. Our overriding goal is, as always, to give the best public service possible in the administration of justice.

Harry T. Edwards  
Chief Judge  
U.S. Court of Appeals

## **United States Court of Appeals for the District of Columbia Circuit**

### **HARRY T. EDWARDS**



Chief Judge Edwards was appointed to the U.S. Court of Appeals in February 1980 and became Chief Judge on September 15, 1994. He graduated from Cornell University in 1962 and the University of Michigan Law School in 1965. Judge Edwards practiced law in Chicago from 1965 to 1970. He was then a tenured member of the faculties at the University of Michigan Law School, where he taught from 1970 to 1975 and 1977 to 1980, and at Harvard Law School, where he taught from 1975 to 1977. He also taught at the Harvard Institute for Educational Management between 1976 and 1982. He served as a member and then Chairman of the Board of Directors of AMTRAK from 1978 to 1980, and also served as a neutral labor arbitrator under a number of major collective bargaining agreements during the 1970s. Chief Judge Edwards has co-authored four books and published scores of law review articles on labor law, higher education law, federal courts, legal education, professionalism, and judicial administration. Since joining the court, he has taught law at Harvard, Michigan, Duke, Pennsylvania, Georgetown, and, most recently, NYU Law School.

### **PATRICIA M. WALD**



Judge Wald was appointed United States Circuit Judge for the District of Columbia in July 1979. She served as Chief Judge of the court from July 1986 to January 1991. Judge Wald is a graduate of Connecticut College (B.A. 1948) and Yale Law School (LL.B. 1951). Following graduation, she served as law clerk to Judge Jerome N. Frank of the Second Circuit. Prior to her appointment to the bench, Judge Wald served as Assistant Attorney General for Legislative Affairs in the Department of Justice. She was an attorney for the Mental Health Law Project from 1972 to 1977, and the Project's Litigation Director from 1975 to 1977, as well as an attorney with Neighborhood Legal Services, the Center for Law and Social Policy in Washington, and co-chair of the Ford Foundation Drug Abuse Research Project. She is a Council Member and First Vice President of the American Law Institute, and a Fellow of the American Academy of Arts and Sciences. She has served on the U.S. Judicial Conference Committee on the Codes of Conduct (1986-1992) and the Committee on Court Administration and Case Management (1996-present).

## **LAURENCE H. SILBERMAN**



Judge Silberman was appointed United States Circuit Judge in October 1985. He graduated from Dartmouth College in 1957 and Harvard Law School in 1961. He has been a partner in law firms in Honolulu and Washington, D.C., as well as a banker in San Francisco. He served in government as an attorney in the NLRB's appellate section, Solicitor of the Department of Labor from 1969 to 1970, Undersecretary of Labor from 1970 to 1973, Deputy Attorney General of the United States from 1974 to 1975, and Ambassador to Yugoslavia from 1975 to 1977. From 1981 to 1985, he served as a member of the General Advisory Committee on Arms Control and Disarmament and the Department of Defense Policy Board. He was an Adjunct Professor of Administrative Law at Georgetown University Law Center from 1987 to 1994 and in 1997, at NYU from 1995 to 1996, and he will be teaching in the spring at Harvard Law School.

## **STEPHEN F. WILLIAMS**



Judge Williams was appointed to the United States Court of Appeals in June 1986. He graduated from Yale College (B.A. 1958) and from Harvard Law School (J.D. 1961). Judge Williams was engaged in private practice from 1962 to 1966 and became an Assistant U.S. Attorney for the Southern District of New York in 1966. From 1969 until his appointment to the bench, Judge Williams taught at the University of Colorado School of Law. During this time, he also served as a Visiting Professor of Law at UCLA, University of Chicago Law School, and Southern Methodist University and was a consultant to the Administrative Conference of the United States and the Federal Trade Commission.

### **DOUGLAS H. GINSBURG**



Judge Ginsburg was appointed to the United States Court of Appeals in October 1986. He was graduated from Cornell University (B.S. 1970) and from the University of Chicago Law School (J.D. 1973). Following law school, he clerked for Judge Carl McGowan of the U.S. Court of Appeals for the D.C. Circuit and for U.S. Supreme Court Justice Thurgood Marshall. From 1975 to 1983, he was a professor at Harvard Law School. He then served as Deputy Assistant Attorney General for Regulatory Affairs, Antitrust Division, U.S. Department of Justice, from 1983 to 1984; Administrator, Information and Regulatory Affairs, OMB, from 1984 to 1985; and Assistant Attorney General, Antitrust Division, U.S. Department of Justice, from 1985 to 1986.

### **DAVID B. SENTELLE**



Judge Sentelle was appointed United States Circuit Judge in October 1987. He is a 1968 graduate of the University of North Carolina Law School. Following law school, he practiced with the firm of Ussell & Dumont until he became an Assistant U.S. Attorney in Charlotte, N.C. in 1970. From 1974 to 1977, he served as a North Carolina State District Judge but left the bench in 1977 to become a partner with the firm of Tucker, Hicks, Sentelle, Moon & Hodge. In 1985, Judge Sentelle joined the U.S. District Court, Western District of North Carolina, in Asheville, where he served until his appointment to the D.C. Circuit. Judge Sentelle is the Presiding Judge of the Special Division for the Purpose of Appointing Independent Counsels (1992-present). Judge Sentelle serves as President of the Edward Bennett Williams Inn of the American Inns of Court.

## KAREN LECRAFT HENDERSON

Judge Henderson was appointed United States Circuit Judge in July 1990. She received her undergraduate degree from Duke University and her law degree from the University of North Carolina. Following law school, she was in private practice in Chapel Hill, North Carolina. From 1973 to 1983, she was with the Office of the South Carolina Attorney General, ultimately in the position of Deputy Attorney General. In 1983, she returned to private practice as a member of the firm of Sinkler, Gibbs & Simons of Charleston and Columbia, South Carolina. In June 1986, Judge Henderson was appointed United States District Judge for the District of South Carolina where she served until her appointment to the D.C. Circuit.

## A. RAYMOND RANDOLPH



Judge Randolph was appointed United States Circuit Judge in July 1990. He is a graduate of Drexel University (1966) and the University of Pennsylvania Law School (*summa cum laude* 1969). After clerking for Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit, Judge Randolph served as an Assistant to the U.S. Solicitor General from 1970 to 1973, and, from 1975 to 1977, as a Deputy Solicitor General. In 1979, Judge Randolph was Special Counsel to the Ethics Committee of the U.S. House of Representatives. He has also served as Special Assistant Attorney General for Utah, Montana, and New Mexico. Prior to his appointment to the bench, he was a partner with the firm of Pepper, Hamilton & Scheetz. Judge Randolph has taught courses in civil procedure and injunctions at Georgetown University Law Center and in constitutional law at George Mason Law School. Judge Randolph is currently chairman of the Codes of Conduct Committee of the United States Judicial Conference.



## **JUDITH W. ROGERS**



Judge Rogers was appointed to the United States Court of Appeals in March 1994. She is a graduate of Radcliffe College and Harvard Law School and has a Master of Laws degree from the University of Virginia Law School. She has served as an Assistant U.S. Attorney for the District of Columbia and as a trial attorney in the Criminal Division of the U.S. Department of Justice. In the Office of the U.S. Deputy Attorney General, she worked on the D.C. Court Reform and Criminal Procedure Act of 1970. She was also General Counsel to the congressional commission on the organization of the District government and, thereafter, Special Assistant to the Mayor for federal and District of Columbia legislation. She was appointed Corporation Counsel for the District of Columbia in 1979. In 1983, she was appointed Associate Judge of the D.C. Court of Appeals and served as Chief Judge from 1988 until her appointment to the D.C. Circuit.

## **DAVID S. TATEL**



Judge Tatel was appointed to the United States Court of Appeals in October 1994. He graduated from the University of Michigan in 1963 and the University of Chicago Law School in 1966. Following law school, he taught for a year at the University of Michigan Law School and then went into private practice as a member of the firm of Sidley & Austin in Chicago. From 1969 to 1970, he served as Director of the Chicago Lawyers' Committee for Civil Rights Under Law, then returned to Sidley & Austin until 1972, when he became Director of the National Lawyers' Committee for Civil Rights Under Law in Washington, D.C. From 1974 to 1977, he returned to private practice as associate and partner with Hogan & Hartson, where he headed the firm's Community Services Department. He also served as General Counsel for the newly created Legal Services Corporation from 1975 to 1976. In 1977, Judge Tatel became the Director of the Office for Civil Rights, U.S. Department of Health, Education and Welfare. He returned to Hogan & Hartson in 1979, where he headed the firm's education group until his appointment to the D.C. Circuit.

## **MERRICK B. GARLAND**



Judge Garland was appointed to the United States Court of Appeals in April 1997. He graduated from Harvard College in 1974 and Harvard Law School in 1977. Following graduation, he served as law clerk to Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit and U.S. Supreme Court Justice William J. Brennan, Jr. From 1979 to 1981, he was Special Assistant to the Attorney General of the United States. He then joined the law firm of Arnold & Porter, where he was a partner from 1985 to 1989 and from 1992 to 1993. He served as an Assistant U.S. Attorney for the District of Columbia from 1989 to 1992, and as Deputy Assistant Attorney General in the Criminal Division of the U.S. Department of Justice from 1993 to 1994. From 1994 until his appointment as U.S. Circuit Judge, Judge Garland served as Principal Associate Deputy Attorney General, where his responsibilities included the supervision of the Oklahoma City bombing and UNABOM prosecutions. He has taught antitrust law at Harvard Law School and has served as co-chair of the administrative law section of the District of Columbia Bar.

## **Senior Judge**

### **JAMES L. BUCKLEY**



Judge Buckley was appointed United States Circuit Judge in December 1985 and took senior status in September 1996. He graduated from Yale College, receiving a B.A. in 1943, and from Yale Law School, receiving an LL.B. in 1949. Judge Buckley was engaged in private practice from 1949 until 1958 when he became an Officer and Director of The Catawba Corporation. From 1971 to 1977, he served as a United States Senator. In 1977, he was engaged in private sector activities, but reentered government service as Undersecretary for Security Assistance, U.S. State Department in 1981. From 1982 to 1985, Judge Buckley was President of Radio Free Europe/Radio Liberty.

## **Retired Judge**

### **SPOTTSWOOD W. ROBINSON III**

Judge Robinson was appointed to the United States Court of Appeals for the District of Columbia Circuit in November 1966, serving as Chief Judge from May 1981 to July 1986. He attended Virginia Union University and received an LL.B. degree from Howard University School of Law. Judge Robinson became a faculty member of the Howard University School of Law after graduation and remained on the faculty until 1947 when he entered full-time private practice. In 1960, he became Dean of the Howard University School of Law. From 1961 to 1963, Judge Robinson served as a member of the U.S. Commission on Civil Rights. In 1963, he became Vice President and General Counsel of Consolidated Bank and Trust Company where he served until he was appointed to the U.S. District Court for the District of Columbia in 1964. Judge Robinson took senior status in 1989 and retired in 1991.

## Office of the Clerk of the Court of Appeals



**Mark Langer**  
Clerk of Court

The Clerk's Office, which includes the former Office of the Chief Staff Counsel, is responsible for managing the caseload of the court, processing all case-related documents, maintaining court records, and serving as the central legal staff of the Court of

Appeals. The office serves as the court's liaison with attorneys, litigants, and the general public. It also provides statistical, financial, personnel, property, procurement, and internal mail services to the court. In addition, the Clerk is responsible for processing complaints of judicial misconduct or disability and for servicing the court's Special Division for the Appointment of Independent Counsels.

After a major reorganization in 1995, the Clerk's Office was divided into three divisions: administrative, operations, and legal. The Administrative Division is responsible for such support functions as courtroom services, personnel, records management, procurement, facility management, financial administration, and mail services. The Operations Division handles all case processing functions, the scheduling of the court's calendar, intake, attorney admissions, and issuance of opinions. The Legal Division, formerly the Office of the Chief Staff Counsel, has three primary areas of responsibility: making recommendations and preparing dispositions in contested motions and emergency matters, screening and classifying new appeals, and making recommendations in Circuit Rule 34(j) cases. The Legal Division also screens cases for appropriateness for inclusion in the Appellate Mediation Program, and assists with the management of complex cases under the 1986 Case Management Plan and of civil cases designated for treatment under the 1978 Civil Appeals Management Plan.

# U.S. Court of Appeals Advisory Committees

The United States Court of Appeals relies on its advisory committees for assistance in carrying out certain administrative tasks and for expert advice on issues that impact attorneys who practice before the court.

## Advisory Committee on Procedures

The Advisory Committee on Procedures was established by the Judicial Council for the District of Columbia Circuit in June 1976, in response to recommendations made by the Commission on Review of the Federal Court of Appeals System, also known as the Hruska Commission. Since 1982, the Court of Appeals has been the appointing authority for the committee. The committee was one of the first of its kind in the nation.

In accordance with 28 U.S.C. § 2077(b), the committee is charged with studying the rules and internal operating procedures of the Court of Appeals and making recommendations to the court on possible improvements. The committee is specifically authorized to design and undertake projects and studies on matters affecting the administration of justice in the circuit, either at the request of the court or on its own initiative. The Advisory Committee on Procedures also serves as liaison between the court and the bar.

The committee consists of 15 members of the bar. The court has endeavored to appoint committee members who represent various interests within the bar.

The current membership of the Advisory Committee on Procedures is as follows:

John M. Nannes, Chair

Thomas Abbenante	Maureen E. Mahoney
George H. Cohen	Katherine Anne Meyer
Vicki C. Jackson	William Bradford Reynolds
William Kanter	Michael E. Rosman
A.J. Kramer	Patty Merkamp Stemler
Stephen C. Leckar	Barbara S. Wahl
Myles V. Lynk	Christopher J. Wright

Judge Patricia M. Wald, Liaison

## **Advisory Committee on Admissions and Grievances**

The Advisory Committee on Admissions and Grievances assists the court with two of its most difficult administrative tasks: acting on applications for admission to the court's bar and acting on complaints of attorney misconduct or neglect. The court may refer to the committee any accusation or suggestion of misconduct or neglect by any member of the bar of the court with respect to a professional matter. The committee may conduct an investigation, hold a hearing and report on the matter as the court deems advisable. In addition, the committee investigates and recommends action on problems that arise in connection with applications for admission to the court's bar.

Currently, the committee's six members are:

Hamilton P. Fox III, Chair

Christopher M. Curran

William L. Gardner

Richard J. Leon

Neil I. Levy

Steven M. Umin

Judge Judith W. Rogers, Liaison

## **CJA Panel Committee**

The CJA Panel Committee, established in 1991 pursuant to 18 U.S.C. § 3006(a), compiles the list of attorneys eligible to receive CJA appointments by periodically receiving and evaluating applications from interested counsel. The committee also conducts an annual review and evaluation of the CJA Plan and recommends any changes deemed necessary.

The committee consists of two active circuit judges, the Federal Public Defender, and two private attorneys experienced in criminal law, one of whom is on the CJA appointments list.

Current members are:

Judge Stephen F. Williams, Chair

Judge David B. Sentelle

Barry Coburn

A. J. Kramer

Elizabeth Taylor

### **Task Force on Electronic Filing**

The Task Force on Electronic Filing was established in December 1997 to study the issue of electronic filing and to recommend to the court any rules necessary to permit, encourage, or require electronic filing of motions, briefs, records, or other documents.

The task force consists of four members of the court's staff, along with attorneys from private law firms, nonprofit organizations, regulatory agencies, the Department of Justice, and the Federal Public Defender.

The members of the task force are:

Douglas N. Letter, Chair

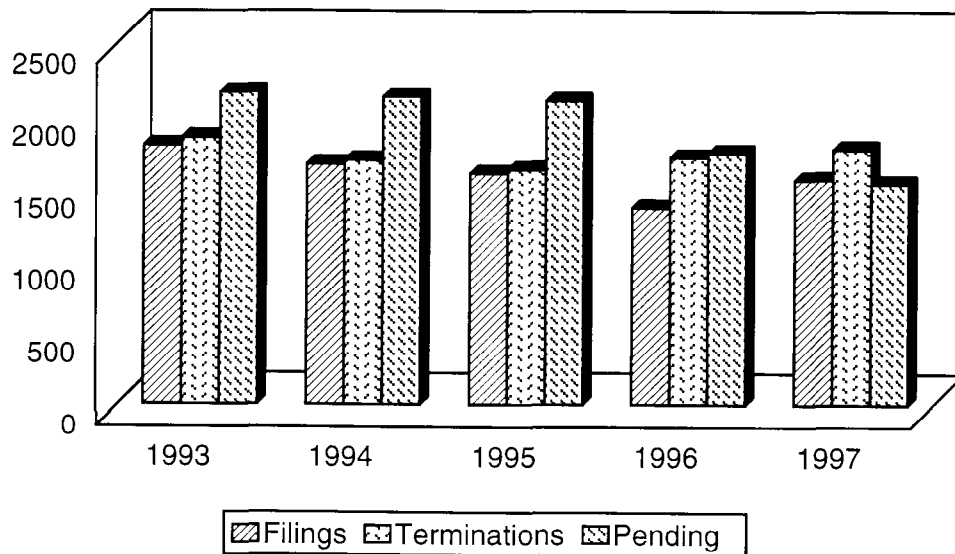
Kenneth C. Bass III	Tracy C. Hauser
Susan J. Court	Steven F. Kaplan
Mark L. Evans	A.J. Kramer
Ellen R. Finn	Mark J. Langer
Kenneth S. Geller	John M. Nannes
Jack N. Goodman	C. Grey Pash, Jr.

## U.S. Court of Appeals Workload Information

In 1996 and 1997, the Court of Appeals experienced a significant decrease, and then an almost equivalent increase in case filings, due primarily to changing levels of agency appeals. Agency filings decreased from 598 in 1995 to 487 in 1996, and then rose to 720 in 1997. Most of the increase in 1997 was attributable to appeals from the Environmental Protection Agency, the Federal Communications Commission, and the Federal Energy Regulatory Commission. Of the 720 agency appeals, 514 cases (71 percent) involved these three agencies. During this period, total terminations increased slightly and there were significant decreases in the pending caseloads at the end of each year.

	1995	1996	Change	1997	Change
<b>Filings</b>	1,596	1,355	-15%	1,554	15%
<b>Terminations</b>	1,621	1,706	5%	1,764	3%
<b>Pending</b>	2,091	1,737	-17%	1,527	-12%

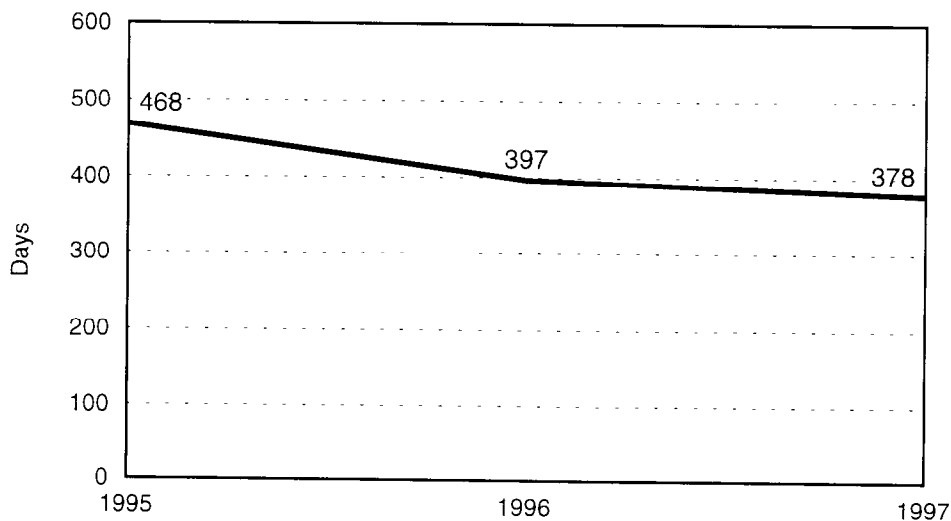
**Court of Appeals Caseload Summary  
1993-1997**



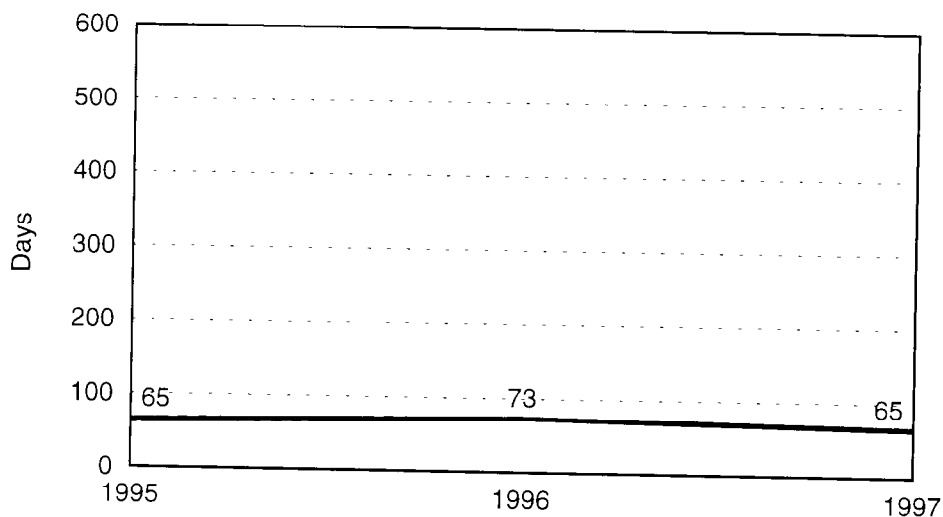


While the length of time from argument to disposition has remained fairly consistent during the past three years, the time from case filing to the date of argument has decreased significantly. In 1995, the average time from filing to date of argument was 468 days. In 1997, the average time dropped to 378 days.

**Average Case Processing Time  
Filing to Argument\***  
1995-1997



**Average Case Processing Time  
Argument to Disposition\*\***  
1995-1997

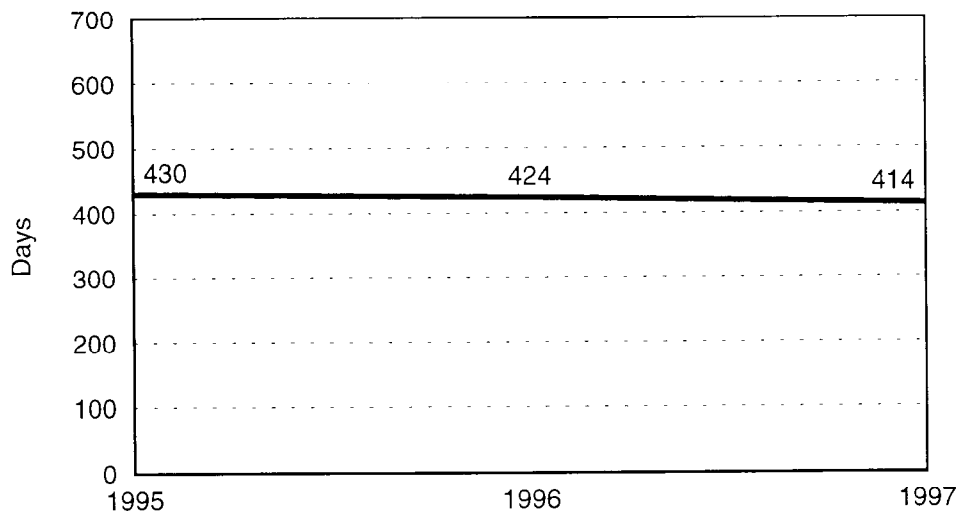


\* Figures represent cases argued in calendar year indicated.

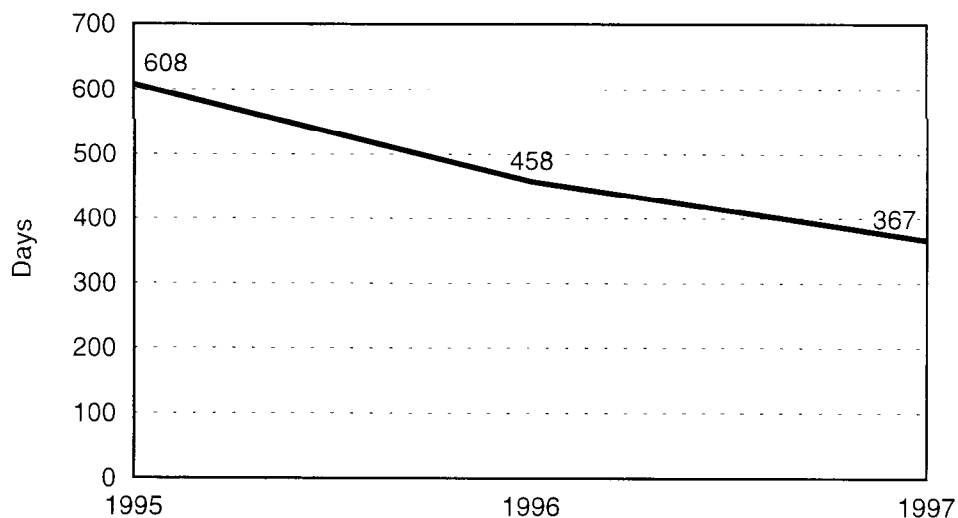
\*\* Figures represent argued cases terminated in calendar year indicated.

The overall length of time from filing to disposition has decreased slightly over the past three years for all cases. However, as a result of the combined effects of several new procedures aimed at expediting criminal cases, the average length of time from the filing of a criminal appeal to disposition has decreased significantly from 608 days in 1995 to 367 days in 1997. Another result of these procedural changes is a decrease in the average age of pending criminal cases, from 338 days in 1995 to 208 days in 1997.

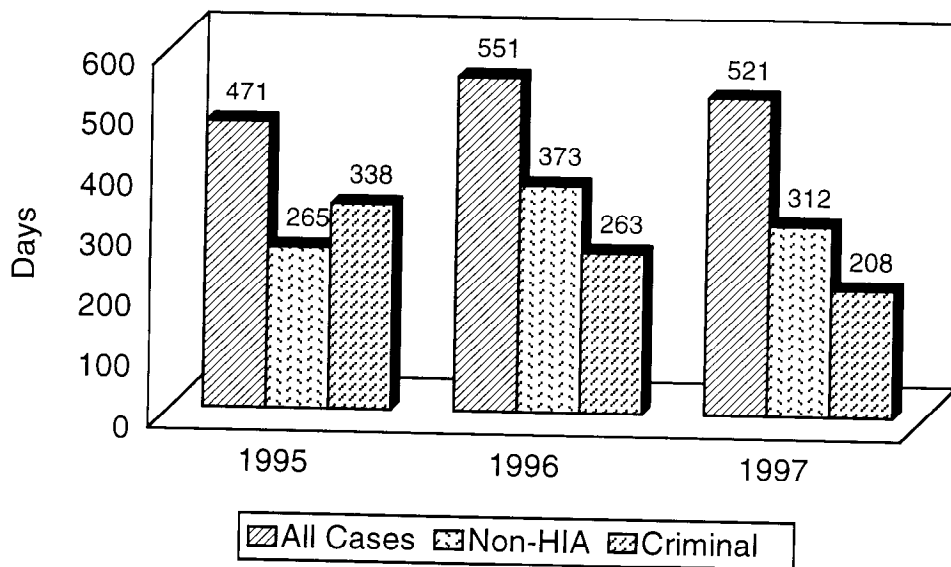
**Average Time From Filing to Disposition  
All Cases  
1995-1997**



**Average Time From Filing to Disposition  
Criminal Cases  
1995-1997**



**Average Age of Pending Cases  
1995-1997**



Over the past two years, there has continued to be a high percentage of unanimous decisions, with 97 percent of all dispositions issuing without dissents in 1996 and 1997. Eighty-eight percent of published opinions issued without dissents during these two years.

	1995	1996	1997
<b>Percent of dispositions that include full or partial dissent (lead cases only)</b>	2.4% (29 dissents out of 1,226 dispositions)	2.9% (36 dissents out of 1,247 dispositions)	2.2% (29 dissents out of 1,298 dispositions)
<b>Percent of published opinions that include full or partial dissent (lead cases only)</b>	10.3% (29 dissents out of 281 opinions)	12.1% (36 dissents out of 298 opinions)	10.9% (29 dissents out of 265 opinions)

During 1997, less than 15 percent of all lead cases that were terminated on the merits resulted in reversals and/or remands. Also of note, the percentage of terminations resulting in published opinions fell in 1997. This decline was due to the court's successful efforts to clear the backlog of matters pending before the Special Panel. Traditionally, very few of the Special Panel's decisions result in published opinions.

	1995	1996	1997
<b>Percent of reversals/remands of all lead case dispositions terminated on the merits</b>	17.3% (118 reversals/remands out of 684 terminations)	18.6% (130 reversals/remands out of 698 terminations)	14.6% (104 reversals/remands out of 710 terminations)
<b>Percent of decisions published in all lead case dispositions terminated on the merits</b>	40.2% (275 published decisions out of 684 terminations)	43.4% (303 published decisions out of 698 terminations)	37.6% (267 published decisions out of 710 terminations)

NOTE: The statistics and time periods on this page are from Tables B-5 and S-3 of the *Federal Judicial Workload Statistics* published by the Administrative Office of the U.S. Courts. These figures are for dispositions in lead cases only. "Terminated on the merits" includes orders by the Special Panel, judgments and opinions.

**United States  
District Court**

# **Report of Chief Judge Norma Holloway Johnson**

In the last two years, the United States District Court for the District of Columbia has seen many notable changes. The Honorable John Garrett Penn ended his tenure as Chief Judge on July 21, 1997, after five and one-half years of service. Judge Penn brought to the position an extraordinary combination of scholarship and decency. Our court was enriched by his leadership. We deeply appreciate his dedication and hard work and are pleased that Judge Penn continues to serve.

The District Court welcomed two new judges in 1997. The Honorable Colleen Kollar-Kotelly and the Honorable Henry H. Kennedy, Jr. were sworn in as United States District Judges on May 12 and October 20, 1997, respectively. Judge Kollar-Kotelly had served as an Associate Judge of the Superior Court for the District of Columbia since 1984, and Judge Kennedy had served as an Associate Judge of the Superior Court for the District of Columbia since 1979.

Magistrate Judge Patrick J. Attridge, who first took office in 1983 and was reappointed to a second eight-year term in 1991, retired on June 2, 1997, but chose to serve under senior status, as a Recalled Magistrate Judge, for one year. Magistrate Judge Deborah A. Robinson, who has served as a Magistrate Judge since July 1988, was reappointed to a second eight-year term in July 1996. In addition to Magistrate Judges Attridge and Robinson, the court benefits from the support and assistance of Magistrate Judge Alan Kay who has served since September 1991.

As required by the Judicial Conference of the United States, the District Court appointed a Merit Selection Panel to fill the vacancy created by Magistrate Judge Attridge's decision to take senior status. The Panel was chaired by Wendell Webster, Esquire, and included Shawn Moore, Esquire, Hiram E. Puig-Lugo, Esquire, Patrick M. Raher, Esquire, Mrs. Jeanette Hackney, and Mr. L. Marvin Hill. The Panel submitted a list of five names for consideration, and the Executive Committee interviewed each candidate and submitted recommendations to the Executive Session. On August 18, 1997, John M. Facciola was appointed as our newest Magistrate Judge. Prior to this appointment, he had served since 1982 as an Assistant United States Attorney.

On March 19, 1997, the District Court experienced a great loss in the death of the Honorable Charles R. Richey. Judge Richey began his service to this Court on May 19, 1971, and for over twenty-five years, graced this Court with his brilliance, dignity, ingenuity, and friendship. He is greatly missed.

On March 11, 1997, the United States Judicial Conference approved a Model Employment Resolution Plan and directed each court to adopt and implement a plan based on the model. The Plan was submitted to the Circuit Judicial Council on December 23, 1997. The Council recognized several discrepancies between the Plan as approved and the Circuit's policy on sexual harassment. The District Court will address the differences in the upcoming year prior to implementation of the Plan on January 1, 1999.

The jurisdiction of the District Court has been expanded in two respects. First, the Special Railroad Court, established under the Regional Rail Reorganization Act of 1973, was abolished with the passage of the Federal Courts Improvement Act of 1996, effective January 17, 1997. That court's original and exclusive jurisdiction was transferred to the United States District Court for the District of Columbia.

Second, on April 24, 1996, President Clinton signed into law the Antiterrorism and Effective Death Penalty Act of 1996, which gives the District Court jurisdiction over applications for removal of alien terrorists brought by the Attorney General. The Alien Terrorist Removal Court is modeled after the special court created by the Foreign Intelligence Surveillance Act. The Executive Session, in November 1996, approved the use of this Court's facilities by the Alien Terrorist Removal Court and designated Nancy Mayer-Whittington as Clerk of said Court.

The National Capital Area Judicial Conference on Courts and Genetic Testing was held on May 14, 1997, at the Airlie Conference Center in Airlie, Virginia. With the assistance of the Einstein Institute for Science, Health and the Courts, the Conference assessed the implications of progress in genetics for the adjudication of civil and criminal cases.

In July 1997, the Honorable Thomas F. Hogan held the first jury trial in the new electronic courtroom. The electronic equipment used therein provides an excellent example of the technological advances available to today's judicial system. When not in use for trials, Courtroom Nine is often utilized for tours and demonstrations by lawyers, legal organizations, and foreign visitors. Interest in the electronic courtroom from the media and the public has been very strong. In its first three months of operation, presentations were made to forty different groups. The electronic courtroom places the District Court in the forefront of innovation and modernization.

The District Court's Committee on Race, Gender, and Ethnicity, led by Judges Ricardo Urbina, Colleen Kollar-Kotelly, and James Robertson, held several sessions this past year that focused on discrimination and the process for filing grievances. Programs presented by the committee included discussions of the court's sexual harassment policy, viewing a videotape challenging societal prejudices, and a candid debate on a variety of discrimination issues.

The 1997 Director's Award for Outstanding Leadership, presented annually by Leonidas Ralph Mecham, Director of the Administrative Office of the United States Courts, was bestowed upon our Chief United States Probation Officer, Richard A. Houck, Jr. The Probation Office has made great progress under his leadership. He streamlined the varied operations of the Probation Office through the use of technology and has implemented many changes that have increased productivity. In his capacity as a court manager, he also has contributed to numerous court committees.

The court bid farewell to LeeAnn Flynn Hall after her sixteen years of service as Administrative Assistant to the Chief Judge. She is currently serving the Trustee for Pre-Trial Services, Defense Services, Parole, Adult Probation and Offender Services under the National Capital Revitalization Act of 1997 in the District of Columbia.

Eric Holder, United States Attorney for the District of Columbia, left his post this past year to become Deputy Attorney General, U.S. Department of Justice. While the search for a new U.S. Attorney was conducted, Mary Lou Leary, Esquire, was sworn in as the Acting United States Attorney in July 1997, until Wilma Lewis, Esquire, then the Inspector General for the U.S. Department of the Interior, was appointed the new United States Attorney for the District of Columbia by President Clinton.

Since our last biennial report, the number of civil case filings increased by 20 percent in 1996 and 9 percent in 1997. Criminal case filings increased by 43 percent in 1996 and 3 percent in 1997. For the United

States Bankruptcy Court, case filings increased by 31 percent in 1996 and 29 percent in 1997. This is slightly higher than the national statistics (26 percent in 1996, 23 percent in 1997). During 1996 and 1997, 276 adversary cases were terminated in the bankruptcy court.

The District Court continues to make outstanding progress in improving the administration of justice and services to the nation and the District of Columbia. The court is fortunate to have talented and dedicated individuals in its judiciary, and outstanding court managers, administrators, and support staff. All have played an integral role in maintaining the fine reputation and work product of this Court.

This past year I was honored to become the Chief Judge of this historic and outstanding Court. Although I bring to the office many years of experience and a great enthusiasm, the past ten months have been an extraordinary learning experience. Led by thirteen active and nine senior judges, the productivity of the court remains high. As Chief Judge, I embrace the great challenge of preparing our court for the new millennium. We must all look ahead to meeting challenges — familiar and unforeseen.

Norma Holloway Johnson  
Chief Judge  
U.S. District Court



## **United States District Court for the District of Columbia**

### **NORMA HOLLOWAY JOHNSON**



Chief Judge Johnson was appointed to the United States District Court in May 1980 and became Chief Judge on July 22, 1997. She received a J.D. in 1962 from Georgetown University Law Center and a B.S. in 1955 from the University of the District of Columbia. Chief Judge Johnson served as a trial attorney in the Civil Division, U.S. Department of Justice, from 1963 to 1967, and as an Assistant Corporation Counsel for the District of Columbia from 1967 to 1970. In October 1970, she was appointed Associate Judge of the Superior Court of the District of Columbia, where she served until her appointment to the federal bench.

### **JOHN GARRETT PENN**



Judge Penn was appointed United States District Judge for the District of Columbia in March 1979 and served as Chief Judge from March 1992 until July 1997. He graduated from the University of Massachusetts with an A.B. in 1954 and received an LL.B. from the Boston University School of Law in 1957. He attended the Woodrow Wilson School of International & Public Affairs at Princeton University from 1967 to 1968, where he was a National Institute of Public Affairs Fellow, and later attended the National Judicial College, University of Nevada. He served in the U.S. Army, Judge Advocate General's Corps from 1958 to 1961. Judge Penn served as a Trial Attorney, Reviewer, and Assistant Chief of the General Litigation Section, Tax Division, Department of Justice, from 1961 to 1970, and as an Associate Judge of the Superior Court of the District of Columbia from 1970 to 1979.

NOTE: Judge Penn took senior status  
effective March 31, 1998

## **THOMAS PENFIELD JACKSON**



Judge Jackson was appointed United States District Judge for the District of Columbia in June 1982. He graduated from Dartmouth College in 1958 and Harvard Law School in 1964. Between college and law school, he served as an officer in the U.S. Navy. Prior to his appointment to the federal bench, Judge Jackson practiced law for eighteen years, primarily as a civil litigator. At the time of his appointment to the court, Judge Jackson was serving as President of the Bar Association of the District of Columbia.

## **THOMAS F. HOGAN**



Judge Hogan was appointed to the United States District Court in August 1982. He graduated from Georgetown University, receiving an A.B. (classical) in 1960. He attended George Washington University's masters program in American and English literature from 1960 to 1962, and he graduated from the Georgetown University Law Center in 1966, where he was the St. Thomas More Fellow. Following law school, Judge Hogan clerked for Judge William B. Jones of the U.S. District Court for the District of Columbia from 1966 to 1967. He served as counsel to the National Commission for the Reform of Federal Criminal Laws from 1967 to 1968, and was engaged in private practice from 1968 to 1982. He has been an adjunct professor of law at the Georgetown University Law Center and a Master of the Prettyman-Leventhal Inn of Court. He is a member of the Executive Committee of the District Court, chair of the Rules Committee, Magistrate Judge Liaison Judge and serves on the Board of the Federal Judicial Center.

## **STANLEY SPORKIN**



Judge Sporkin was sworn in as United States District Court Judge for the District of Columbia in February 1986. He received a B.A. in 1953 from Pennsylvania State University and graduated from Yale Law School in 1957. He is also a Certified Public Accountant. Judge Sporkin clerked for three years for a federal District Judge in Delaware and then entered private practice. In 1961, he joined the Securities and Exchange Commission and practiced with the Commission for twenty years, serving as Chief of the Enforcement Division for seven years. From 1981 to 1986, he served as General Counsel of the Central Intelligence Agency.

### **ROYCE C. LAMBERTH**



Judge Lamberth received his appointment to the United States District Court for the District of Columbia in November 1987. He was appointed Presiding Judge of the U.S. Foreign Intelligence Surveillance Court in May 1995 by Chief Justice Rehnquist. Judge Lamberth graduated from the University of Texas and from the University of Texas School of Law, receiving an LL.B. in 1967. He served as a Captain in the Judge Advocate General's Corps of the United States Army from 1968 to 1974, including one year in Vietnam. After that, he became an Assistant United States Attorney for the District of Columbia. In 1978, Judge Lamberth became Chief of the Civil Division of the U.S. Attorney's Office, a position he held until his appointment to the federal bench.

### **GLADYS KESSLER**



Judge Kessler was appointed to the United States District Court for the District of Columbia in July 1994. She received a B.A. from Cornell University and an LL.B. from Harvard Law School. Following graduation, Judge Kessler was employed by the National Labor Relations Board and served as Legislative Assistant to a U.S. Senator and a U.S. Congressman. Thereafter, she worked for the New York City Board of Education and then returned to Washington, D.C. to open a public interest law firm. In June 1977, she was appointed Associate Judge of the Superior Court of the District of Columbia. From 1981 to 1985, Judge Kessler served as Presiding Judge of the Family Division, and was a major architect of one of the nation's first Multi-Door Courthouses. She served as President of the National Association of Women Judges from 1983 to 1984, and is now on the Executive Committee of the ABA's Conference of Federal Trial Judges.

### **PAUL L. FRIEDMAN**



Judge Friedman was appointed United States District Judge in August 1994. He graduated from Cornell University in 1965 and received a J.D. from the School of Law of the State University of New York at Buffalo in 1968. Following law school, Judge Friedman clerked for Judge Aubrey E. Robinson, Jr., of the U.S. District Court for the District of Columbia and for Judge Roger Robb of the U.S. Court of Appeals for the District of Columbia Circuit. He served as an Assistant United States Attorney for the District of Columbia from 1970 to 1974, and as an Assistant to the Solicitor General of the United States from 1974 to 1976. Judge Friedman practiced law as an associate and partner with White & Case from 1976 until 1994. He served as President of the District of Columbia Bar from 1986 to 1987, and as Associate Independent Counsel for the Iran-Contra Investigation from 1987 to 1988.

### **RICARDO M. URBINA**



Judge Urbina was appointed to the United States District Court in July 1994. He received a B.A. in 1967 from Georgetown University and graduated from the Georgetown University Law Center in 1970. He served as staff attorney for the D.C. Public Defender Service from 1970 to 1972 and then entered private practice. From 1974 to 1981 he taught at Howard University Law School and directed the University's Criminal Justice Program. He was appointed Associate Judge of the Superior Court of the District of Columbia in April 1981, and served as Presiding Judge of the Court's Family Division from 1985 to 1988.

### **EMMET G. SULLIVAN**



Judge Sullivan was appointed United States District Judge for the District of Columbia in July 1994. He received a B.A. in 1968 from Howard University and a J.D. in 1971 from the Howard University School of Law. Following law school, Judge Sullivan was a Reginald Heber Smith Fellow from 1971 to 1972. Thereafter, he clerked for Judge James A. Washington, Jr., of the Superior Court of the District of Columbia. From 1973 to 1984, Judge Sullivan served as an associate and partner at the firm of Houston & Gardner, and its successor, Houston, Sullivan & Gardner. He was appointed to the Superior Court of the District of Columbia in October 1984 and served in every division of that court, including positions as Deputy and Presiding Judge of the Probate and Tax Divisions. In November 1991, he was appointed to the District of Columbia Court of Appeals where he served until his appointment to the federal bench.

### **JAMES ROBERTSON**



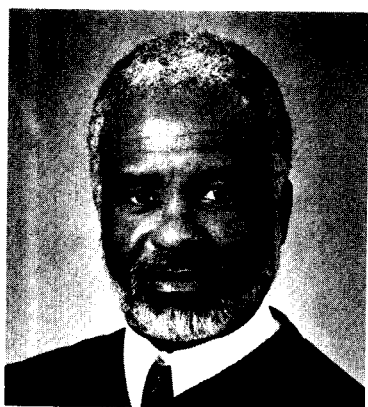
Judge Robertson was appointed United States District Judge in December 1994. He graduated from Princeton University in 1959 and received an LL.B. from George Washington University Law School in 1965 after serving in the U.S. Navy. From 1965 to 1969, he was in private practice with the law firm of Wilmer, Cutler & Pickering. From 1969 to 1972, Judge Robertson served with the Lawyers' Committee for Civil Rights Under Law, as chief counsel of the Committee's litigation offices in Jackson, Mississippi, and as director in Washington, D.C. Judge Robertson then returned to private practice with Wilmer, Cutler & Pickering, where he practiced until his appointment to the federal bench. While in private practice, he served as president of the District of Columbia Bar, co-chair of the Lawyers' Committee for Civil Rights Under Law, and president of Southern Africa Legal Services and Legal Education Project, Inc.

## **COLLEEN KOLLAR-KOTELLY**



Judge Kollar-Kotelly was appointed to the United States District Court in May 1997. She received a B.A. in 1965 from The Catholic University of America and a J.D. in 1968 from Columbus School of Law, The Catholic University of America. Following law school, she served as law clerk to Judge Catherine B. Kelly of the District of Columbia Court of Appeals. From 1969 to 1972, Judge Kollar-Kotelly was an attorney in the Criminal Division of the U.S. Department of Justice and then served as the chief legal counsel to Saint Elizabeths Hospital until 1984. She was appointed Associate Judge of the D.C. Superior Court in October 1984 and served as Deputy Presiding Judge of the Criminal Division from 1995 until her appointment to the federal bench. Judge Kollar-Kotelly has been a Fellow of the American Bar Association, a founding member of the Thurgood Marshall Inn of Court, an adjunct professor at Georgetown University School of Medicine in a joint teaching program on mental health and the law, and chair of the Board of the Art Trust for Superior Court.

## **HENRY H. KENNEDY, JR.**



Judge Kennedy was appointed to the U.S. District Court in September 1997. He graduated from Princeton University in 1970 and received a J.D. from Harvard Law School in 1973. Following graduation, he worked for a short time for the law firm of Reavis, Pogue, Neal and Rose, then served as an Assistant United States Attorney for the District of Columbia from 1973 to 1976. From 1976 to 1979 he served as a United States Magistrate for the United States District Court for the District of Columbia. In December 1979, he was appointed Associate Judge of the Superior Court of the District of Columbia, where he served until his appointment to the federal bench.

## **Senior Judges**

### **OLIVER GASCH**



Judge Gasch was appointed United States District Judge in August 1965. He took senior status in November 1981. Judge Gasch received an A.B. from Princeton University and an LL.B. in 1932 from George Washington University Law School. During World War II, he served overseas in Australia, New Guinea and the Philippines as an officer in the United States Army from 1942 to 1946. Judge Gasch served as Assistant Corporation Counsel for the District of Columbia from 1937 to 1953, Principal Assistant United States Attorney from 1953 to 1956, and United States Attorney for the District of Columbia from 1956 to 1961, and then entered private practice.

### **WILLIAM B. BRYANT**



Judge Bryant was appointed to the United States District Court in August 1965, and took senior status in January 1982. He served as Chief Judge from March 1977 to September 1981. He graduated from Howard University, receiving an A.B. in 1932, and from Howard University Law School, receiving an LL.B. in 1936. Judge Bryant served in the U.S. Army from 1943 to 1947. He was an Assistant U.S. Attorney for the District of Columbia from 1951 to 1954. From 1954 until his appointment to the bench, Judge Bryant was engaged in private practice.

### **AUBREY E. ROBINSON, JR.**



Judge Robinson was appointed to the United States District Court for the District of Columbia in November 1966. He served as Chief Judge of the court from September 1982 until March 1992. Judge Robinson graduated from Cornell University, receiving a B.A. in 1943 and an LL.B. in 1947 from Cornell Law School. During World War II, he served in the United States Army from 1943 to 1946. From 1948 until 1965, Judge Robinson was engaged in the private practice of law. In 1965, he was appointed Associate Judge of the Juvenile Court for the District of Columbia, where he served until his appointment to the District Court.

### **JUNE L. GREEN**



Judge Green was appointed to the United States District Court for the District of Columbia in June 1968 and took senior status in January 1984. She graduated from Washington College of Law, American University, receiving a J.D. in 1941. She was engaged in the private practice of law in Maryland and the District of Columbia for twenty-five years prior to her appointment to the bench.

### **THOMAS A. FLANNERY**



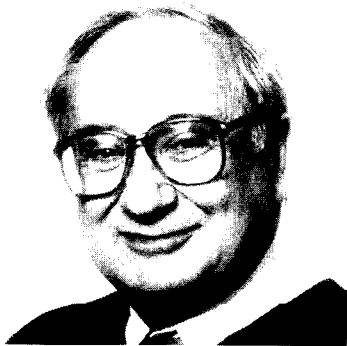
Judge Flannery was appointed United States District Judge in December 1971. He received an LL.B. from Columbus University Law School, now part of The Catholic University of America, in 1940. Judge Flannery served in the U.S. Air Force as a combat intelligence officer from 1942 to 1945. He was in private practice and served in the Department of Justice from 1945 to 1950. He was an Assistant U.S. Attorney for the District of Columbia from 1950 until 1961. Judge Flannery was a partner in the law firm of Hamilton & Hamilton from 1961 to 1969, when he was named U.S. Attorney for the District of Columbia, a position he held until his appointment to the court.

### **LOUIS F. OBERDORFER**



Judge Oberdorfer was appointed to the United States District Court in October 1977. He graduated from Dartmouth College and received an LL.B. from Yale Law School in 1946 after his military service. Judge Oberdorfer was law clerk to Justice Hugo L. Black during the 1946 term of the U.S. Supreme Court. From 1947 until 1962, he was in private practice and became Assistant Attorney General, Tax Division, Department of Justice, in 1961. He returned to private practice in 1965. When appointed to the bench, Judge Oberdorfer was a partner at Wilmer, Cutler & Pickering. He served as Co-Chairman of the Lawyers' Committee for Civil Rights Under Law, a member of the Advisory Committee on the Federal Rules of Civil Procedure, Chief Executive Officer of the Legal Services Corporation, and President of the D.C. Bar.

### **HAROLD H. GREENE**



Judge Greene was appointed to the United States District Court in May 1978 and took senior status in August 1995. He graduated from George Washington University Law School in 1952. Judge Greene served as an Assistant United States Attorney from 1952 to 1957, and he was Chief of the Appeals and Research Section of the Civil Rights Division of the U.S. Department of Justice from 1957 to 1965. He was appointed to serve as Associate Judge of the D.C. Court of General Sessions, later the Superior Court of the District of Columbia, from 1965 to 1966. He served as Chief Judge of the Superior Court from 1966 to 1978.

### **JOYCE HENS GREEN**



Judge Green was appointed United States District Judge for the District of Columbia in May 1979. She was a member of the U.S. Foreign Intelligence Surveillance Court from May 1988 until her seven-year term expired in May 1995, and served as its Presiding Judge from May 1990 until the expiration of her term. Judge Green graduated from the University of Maryland, receiving a B.A. in 1949, and the George Washington University Law School, receiving a J.D. in 1951. Judge Green practiced law in the District of Columbia and Virginia until she was appointed Associate Judge of the Superior Court of the District of Columbia in 1968, where she served until her appointment to the federal bench in 1979. She is a member of the U.S. Judicial Conference's Judicial Branch Committee and Chair of the National Conference of Federal Trial Judges. Judge Green took senior status in July 1995.

### **STANLEY S. HARRIS**



Judge Harris was appointed United States District Judge for the District of Columbia in November 1983 and took senior status in February 1996. He attended the Virginia Polytechnic Institute in 1945 and graduated from the University of Virginia with a B.S. in 1951 and an LL.B. in 1953. He served in the U.S. Army from 1945 to 1947. Judge Harris served as an associate and partner at Hogan & Hartson from 1953 to 1970. He was appointed to the D.C. Superior Court in 1971 and served until 1972 when he was appointed to the District of Columbia Court of Appeals. Judge Harris left the Court in 1982 to become United States Attorney for the District of Columbia, where he served until his appointment to the United States District Court in 1983.

### **Magistrate Judges**

#### **DEBORAH A. ROBINSON**



Magistrate Judge Robinson was sworn in as United States Magistrate on July 18, 1988. She is a graduate of Morgan State University and Emory University School of Law. Magistrate Judge Robinson clerked for Chief Judge H. Carl Moultrie I of the Superior Court of the District of Columbia from 1978 to 1979. Following her clerkship, she joined the United States Attorney's Office for the District of Columbia, where she served for eight years prior to her appointment.



### **ALAN KAY**



Magistrate Judge Kay was appointed a United States Magistrate Judge in September 1991. He is a graduate of George Washington University, receiving a B.A. in 1957 and a J.D. from its National Law Center in 1959. Magistrate Judge Kay clerked for U.S. District Court Judges Alexander Holtzoff and William B. Jones. He was an attorney with the Public Defender Service and served in the U.S. Attorney's Office. From 1967 until his appointment, he was in private practice in the District of Columbia.

### **JOHN M. FACCIOLA**



Magistrate Judge Facciola was appointed a United States Magistrate Judge in August 1997. He received an A.B. in 1966 from the College of the Holy Cross and a J.D. in 1969 from the Georgetown University Law Center. Following law school, Magistrate Judge Facciola served as an Assistant District Attorney in Manhattan from 1969 to 1973, and was in private practice in the District of Columbia from 1974 to 1982. He joined the U.S. Attorney's Office in 1982 and served as Chief of the Special Proceedings section from 1989 until his appointment as Magistrate Judge. Magistrate Judge Facciola is an adjunct professor at the Georgetown University Law Center. He is a fellow of the American Bar Foundation and a member of the Board of Governors of the John Carroll Society.

### **PATRICK J. ATTRIDGE**



Magistrate Judge Attridge was appointed Magistrate of the United States District Court in May 1983. Following graduation from St. John's University (B.A. 1951), he entered the U.S. Army and served in the Korean War. Upon his discharge from the Army, he resumed his studies and received an LL.B. from the Georgetown University Law Center in 1956. Prior to his appointment, Magistrate Judge Attridge was engaged in private practice in the District of Columbia and Maryland as a trial and appellate lawyer for over twenty-six years. Magistrate Judge Attridge served on the Security, Space and Facilities Committee of the U.S. Judicial Conference from 1990 until 1996. Magistrate Judge Attridge retired in June 1997 but was recalled to serve an additional one-year term.

## Office of the Clerk of the District Court



Nancy Mayer-Whittington  
Clerk of Court

The mission of the Clerk's Office is to provide courteous and efficient service to the court, the bar, and the public. The Clerk's Office has 70 employees and is divided into four divisions: operations, administrative services, systems, and the Office of the Clerk.

The Operations Division plays a major role in the operation of the court and consists of five judicial support units, the criminal unit, and the files/intake unit. The judicial support units are self-directed work teams comprised of courtroom deputies and docket clerks. Each unit provides complete support — courtroom coverage, case management, and docketing — to a small group of judicial officers associated with each unit. The criminal unit processes and docket all matters related to criminal cases. The files/intake unit oversees all aspects of records management and processes all civil matters submitted for filing.

Administrative Services has a broad range of responsibilities and plays a significant role in providing nonjudicial administrative support to the court. Eight distinct functions are included in the mission of Administrative Services: attorney admissions, finance, jury, property and procurement, budget, space and facilities, interpreting services, and liaison to the court reporters.

The Systems Office provides automation support to the court and the Clerk's Office. The Systems Office is responsible for maintaining the court's docketing and case management database system and supporting the court's local area network and all personal computers assigned to district court judges and their staff and the Clerk's Office staff.

The Office of the Clerk includes the Clerk of Court, her personal staff, the human resource manager and her assistant, the training coordinator and two management analysts. This office provides staff support to the judges' committees and many of the court-appointed advisory committees. The Office of the Clerk also designs and implements a wide variety of special projects at the request of the court.

## United States Probation Office



**Richard A. Houck**  
Chief U.S. Probation Officer

The Probation Office serves the U.S. District Court for the District of Columbia by performing pre-sentencing investigations to aid district judges in the choice of appropriate sentences for criminal defendants, and by supervising the activities of persons condition-

ally released to the community. The Probation Office is currently staffed with 47 probation officers and 29 support personnel.

The office plays a critical role in the sentencing of criminal defendants by preparing Presentence Investigation Reports and providing Sentencing Guidelines calculations. Its probation officers gather and compile information related to the history and characteristics of defendants, including prior criminal records, financial status, circumstances affecting defendants' behavior helpful to sentencing or correctional treatment, and classification of offenses and defendants under the categories established by the U. S. Sen-

tencing Commission. Probation officers also collect victim impact statements.

In addition, U.S. probation officers serve as officers of the United States District Court and as agents of the United States Parole Commission to supervise the activities of persons sentenced to probation, supervised release, and parole. Specialists administer contracts for services (or deliver services) for drug, alcohol, and mental health treatment; HIV/AIDS counseling; a sanctions center; electronic monitoring of offenders; employment counseling, education and vocational assistance; and "special offenders." The mission of the office is to faithfully execute each offender's sentence, to control any risk posed by persons under its supervision, and to promote law-abiding behavior.

In 1997, the Probation Office increased its efforts to provide the highest quality, professional service to the court. Enhancements to the office automation and telecommunications systems, hiring of highly qualified staff, and increased training opportunities have helped lead the way towards this goal. The office utilizes progressive strategies such as flexible work schedules and telecommuting options to assist its staff in meeting office goals and responsibilities with increased efficiency and effectiveness.

## Court Reporters



**Beverly Byrne**  
Court Reporting Supervisor

The primary duties of the court reporters are to record court proceedings and to produce verbatim transcripts of the proceedings when required. By statute, rule, or order of the court, reporters must accurately report all court sessions and other proceedings

because all U.S. District Courts are courts of record. Proceedings recorded under this section include all proceedings in criminal, civil, and other cases held in open court. 28 U.S.C. § 753.

At the close of 1997, the District Court employed 14 full-time reporters, the full complement authorized for the D.C. Circuit. The staff reporters serve all active judges, senior judges, and magistrate judges of the District Court. By custom in this district, each reporter is assigned to one active judge or senior judge. When the assigned judge is not engaged in court proceedings, the reporter's services may be utilized by other judges.

While official court reporters are employees of the court, their position is unique. They receive an annual salary, but are the only court employees who must furnish their own supplies and equip-

ment. However, the reporters may charge and collect fees for certain work performed in the course of their official duties. While transcripts prepared for official court records are provided to the court free of charge, reporters may collect fees for preparing transcripts at the request of parties. The fees for this service are established by the U.S. Judicial Conference.

Before being hired, all court reporters must pass a vigorous three-part reporting test and a general knowledge written examination. They are also required to hold a Certificate of Proficiency by their reporting association. In addition, as a condition of membership, the two reporting associations, the National Court Reporters Association and the National Stenomask Verbatim Reporters Association require a prescribed level of continuing education to enhance a reporter's skills.

The court reporters play an important role, assisting the judges of the District Court in rendering their decisions and rulings by giving them verbatim transcripts on an expedited basis. They read back prior testimony and work closely with chambers' staff and judges' courtroom deputies to ensure that court proceedings are accurately recorded.

Beverly Byrne was officially appointed Court Reporting Supervisor by the Clerk of the Court on July 1, 1995 after having served on a supervisory committee since January 1, 1993.

## U.S. District Court Advisory Committees

The United States District Court has established seven committees, composed of members of the bench and bar, to assist in its administrative efforts.

### Civil Justice Reform Committee

The Civil Justice Reform Committee was established in 1994 as an outgrowth of the Civil Justice Reform Act Advisory Group. The committee works with the court to review and assess the implementation of the expense and delay reduction plan for the court.

The members of the Civil Justice Reform Committee are:

Stephen A. Saltzburg, Chair

John D. Bates

Jane Lang

Judith A. Miller

Dwight D. Murray

Elizabeth Paret, *ex officio*

Judge Royce C. Lamberth, Liaison

### Advisory Committee on Local Rules

Rule 83 of Title 28 of the United States Code permits each district to adopt local rules consistent with the Federal Rules. The court's Advisory Committee on Local Rules was formed in 1973 to provide expert advice to the court as local rules are promulgated and changed. The committee, which is composed of local practitioners, also acts as a vehicle for the receipt and submission to the court of comments on proposed rule changes.

The members of the Advisory Committee on Local Rules are:

John D. Aldock, Chair

Donald Bucklin

Robert J. Higgins

Wilma A. Lewis

Michael L. Martinez

Wendell W. Webster

Judge Thomas F. Hogan, Liaison

### **Advisory Committee on Non-Appropriated Funds**

Local Rule 701, governing membership in the bar of the District Court, requires the payment of a small fee upon an attorney's initial admission and each subsequent triennial renewal. The fees are used, in part, to defray the cost of keeping the court's register of attorneys current. Any balance is held in trust by the Clerk of Court, and the funds accumulated are spent from time to time, with the approval of the court, primarily for the benefit of the bench and bar.

Members of the Advisory Committee on Non-Appropriated Funds are:

Thomas Abbenante  
William F. Causey  
Robert J. Higgins  
Darryl W. Jackson  
Lynn C. Leibovitz  
Cynthia W. Lobo  
Nancy Mayer-Whittington, *ex officio*

Judge Thomas Penfield Jackson, Liaison

### **CJA Panel Selection Committee**

Pursuant to the provisions of the Criminal Justice Act of 1964, 18 U.S.C. § 3006A (as amended), the judges of the United States District Court for the District of Columbia have adopted a plan to provide lawyers to defendants who are financially unable to obtain adequate representation. The CJA Panel Selection Committee reviews the qualifications of private attorneys who are eligible and willing to provide representation under the Criminal Justice Act and recommends the best qualified to the court.

The members of the CJA Panel Selection Committee are:

Judge Ricardo M. Urbina, Chair

Magistrate Judge Deborah A. Robinson  
Francis D. Carter  
A.J. Kramer  
R. Stan Mortenson

### Advisory Committee on Pro Se Litigation

Pursuant to the provisions of Local Rule 702.1, the Advisory Committee on Pro Se Litigation was appointed to oversee the Civil Pro Bono Panel. The 125 volunteer members of the panel represent *pro se* parties who are proceeding *in forma pauperis* in civil actions and cannot obtain counsel by any other means. In 1996, the court made 40 assignments to members of the panel; in 1997, it made 67 assignments.

Members of the Advisory Committee on Pro Se Litigation are:

Elizabeth Sarah Gere, Chair

L. Graeme Bell III	Antonia B. Ianniello	Jonathan M. Smith
Joel P. Bennett	Karla Letsche	Allen R. Snyder
Lovida H. Coleman, Jr.	Juan E. Milanes	Joan H. Strand
Eugene R. Fidell	Dwight D. Murray	Maureen T. Thornton Syracuse
Robert B. Fitzpatrick	Alan A. Pemberton	Wendy Bhambri, <i>ex officio</i>
Karen T. Grisez	Douglas G. Robinson	Addie Hailstorks, <i>ex officio</i>
Robert Hauhart	Jeffrey D. Robinson	Richard Love, <i>ex officio</i>
Michael M. Hicks		Michael Zoeller, <i>ex officio</i>

Judge James Robertson, Liaison

### Committee on Grievances

Pursuant to Local Rule 705, the court's Committee on Grievances is charged with receiving, investigating, considering, and acting upon complaints against members of the bar of the District Court that may involve disbarment, suspension, censure, reinstatement, or other disciplinary actions.

The committee is appointed by the court, and membership is rotated after a period of service. The committee receives complaints from judges, members of the bar, and litigants.

The members of the Committee on Grievances are:

Joseph E. diGenova, Chair  
Pamela B. Stuart, Vice Chair

Avis Buchanan  
Richard L. Cys  
Stuart H. Newberger  
Rebecca L. Ross  
Joseph N. Alexander, Clerk  
to the Committee

Judge Harold H. Greene, Liaison

## **Rule 711 Counseling Panel**

The Rule 711 Counseling Panel was established in 1990 to receive referrals from district court judges of attorneys who exhibit a deficiency in performance. Upon referral, an attorney may receive counseling from a panel member on matters relating to litigation practice, ethics, or possible substance abuse problems.

The Rule 711 Counseling Panel members are:

Wendell W. Webster, Chair

Francis D. Carter

Maureen Duignan

Robert E. Jordan III

Kim M. Keenan

M. Elizabeth Medaglia



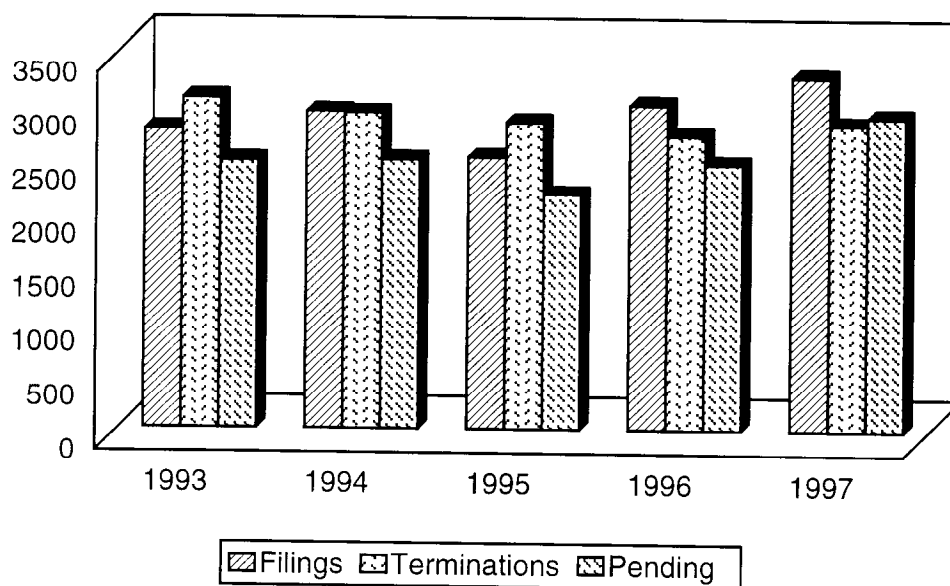
## U.S. District Court Workload Information

Following a 17 percent decrease in District Court filings in 1995, filings increased by 22 percent in 1996 and by eight percent in 1997. In both 1996 and 1997, civil case filings comprised 86 percent of the overall caseload.

	1995	1996	Change	1997	Change
<b>Filings</b>	2,871	3,516	22%	3,790	8%
<b>Terminations</b>	3,229	3,152	-2%	3,368	7%
<b>Pending</b>	2,374	2,738	15%	3,159	15%

The number of civil case filings increased by 20 percent in 1996 and by nine percent in 1997. A large part of the 1996 increase can be attributed to an increase in petitions filed under 28 U.S.C. § 2255, following the U.S. Supreme Court decision in *Bailey v. United States*.

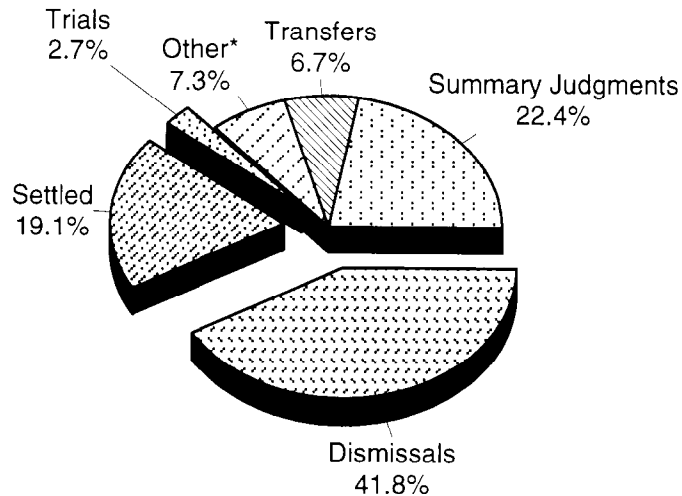
**Civil Caseload Summary  
1993-1997**



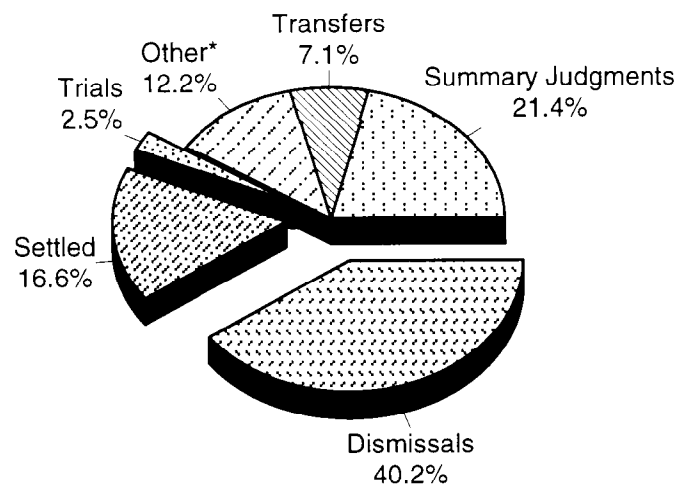
The total number of civil cases terminated remained relatively steady over the past two years, decreasing by four percent in 1996, but then increasing by four percent in 1997. As in previous years, over 40 percent of all civil cases terminated in 1996 and 1997 were terminated by dismissal. The percentage terminated by settlement and by trial also remained relatively steady.

### Civil Case Terminations

**1996:**



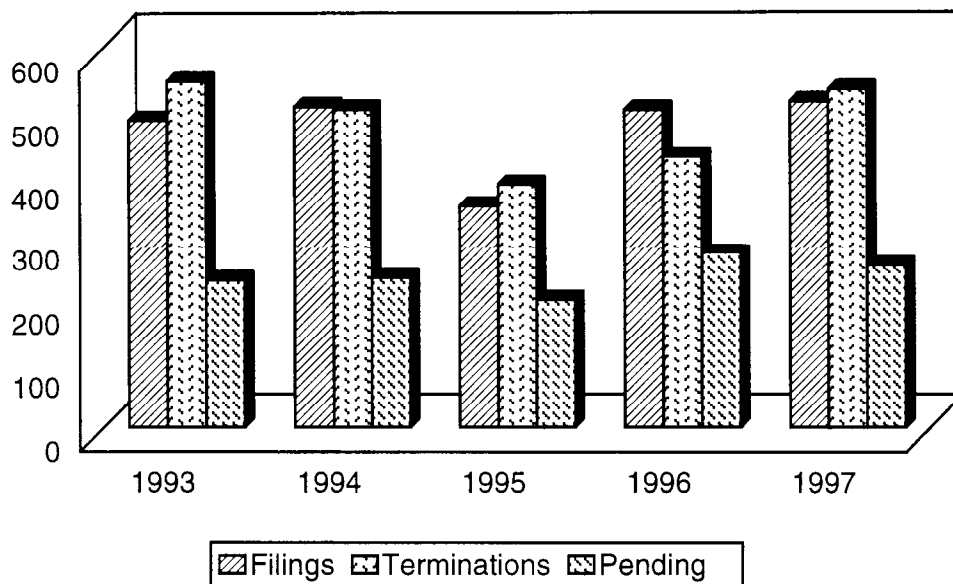
**1997:**



\* "Other" terminations include judgment on default, consent judgment, and other judgments.

After falling dramatically in 1995, criminal case filings increased by 43 percent in 1996 and by three percent in 1997. A total of 502 cases were filed in 1996 and 515 in 1997. The 1996 increase was due in part to an increase in prosecutions for illegal possession of handguns. Concurrently, the number of criminal defendants increased by 33 percent in 1996 and by nine percent in 1997. The court also saw a 17 percent increase in multiple defendant cases in 1996 and a 13 percent increase in 1997.

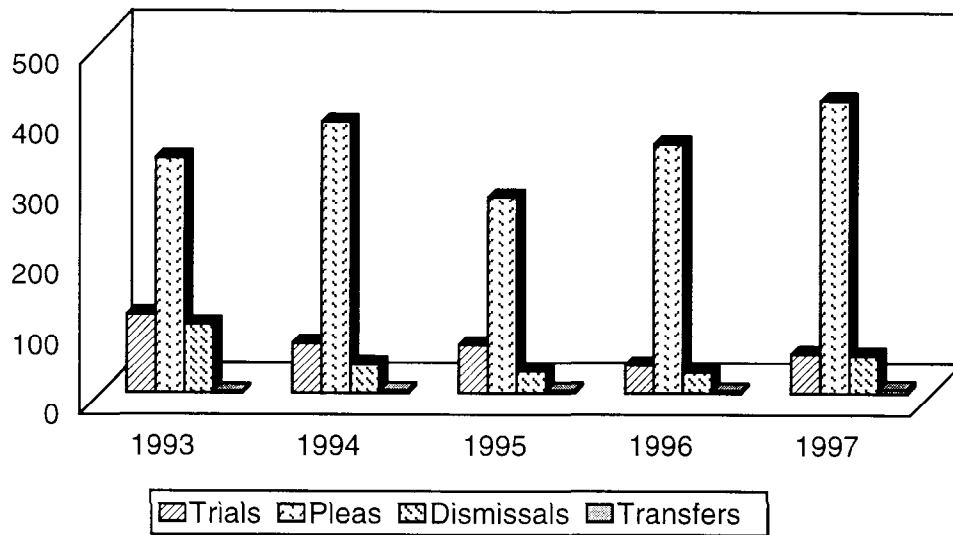
### Criminal Caseload Summary 1993-1997



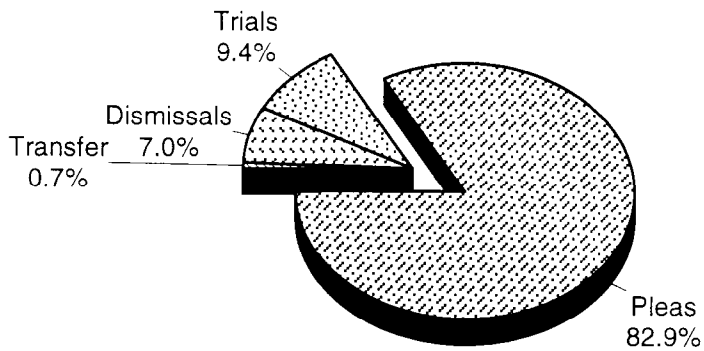
The total number of criminal case terminations increased by 11 percent in 1996 and by 25 percent in 1997. A total of 428 cases were terminated in 1996 and 534 in 1997. Pleas constituted 83 percent of the criminal case terminations in 1996 and 78 percent in 1997. The number of cases terminating as a result of trials decreased by 42 percent in 1996 and increased by 40 percent in 1997.

The median time from filing to disposition in criminal felony cases in 1996 was 6.1 months, which was slightly lower than the median time of 6.8 months for district courts nationwide. In 1997, the median time was 6.4 months, also slightly lower than the nationwide median time of 6.6 months.

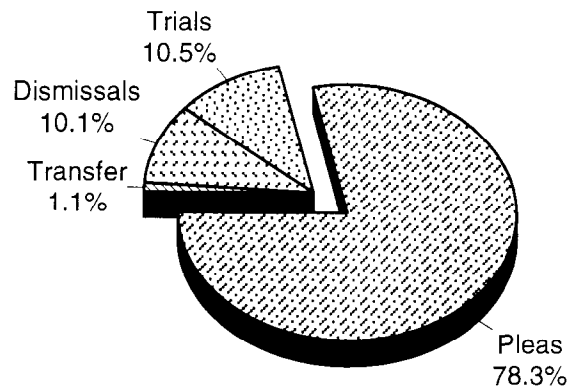
### Criminal Case Terminations 1993-1997



#### Criminal Case Terminations 1996



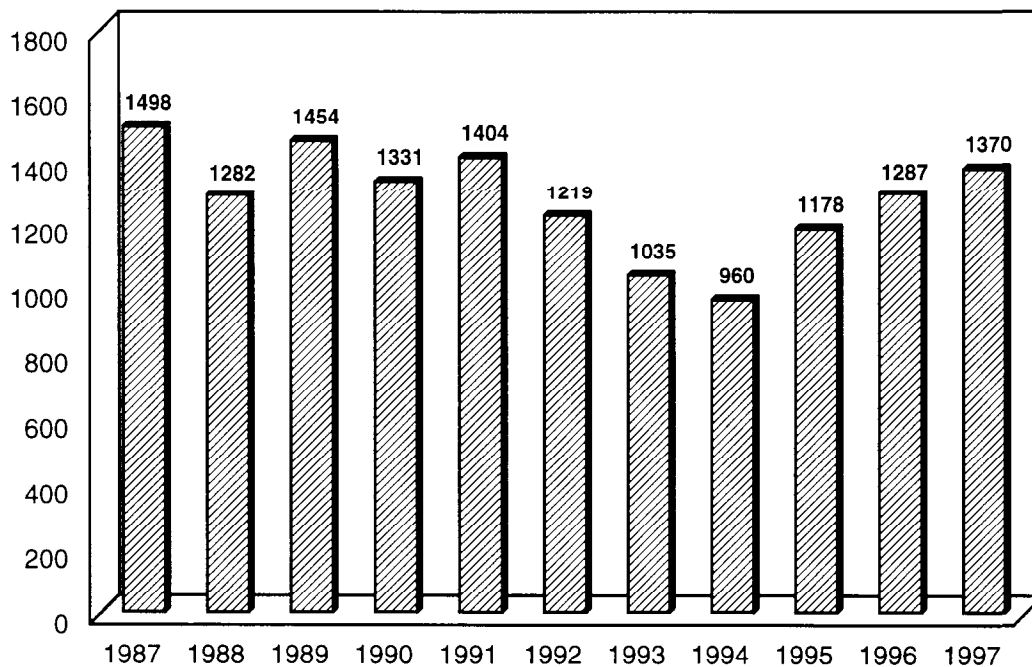
#### Criminal Case Terminations 1997



## U.S. Probation Office Workload Information

The Probation Office has experienced a steady increase in supervision cases since 1994. The caseload increased, in part, because the office now supervises offenders sentenced by the District Court who reside in the local suburbs, as well as those living in the District of Columbia. A second factor contributing to the increase was a shift in the types of criminal cases prosecuted in federal court. In addition, in 1996, the Probation Office began to supervise a large number of offenders who were released after serving five-year mandatory minimum sentences imposed during a period when all cases involving five or more grams of cocaine were prosecuted in federal court. Furthermore, in 1997, the Probation Office began to supervise a small number of pretrial defendants released by the U.S. District Courts for the Eastern District of Virginia (Alexandria) and the District of Maryland but residing in the District of Columbia.

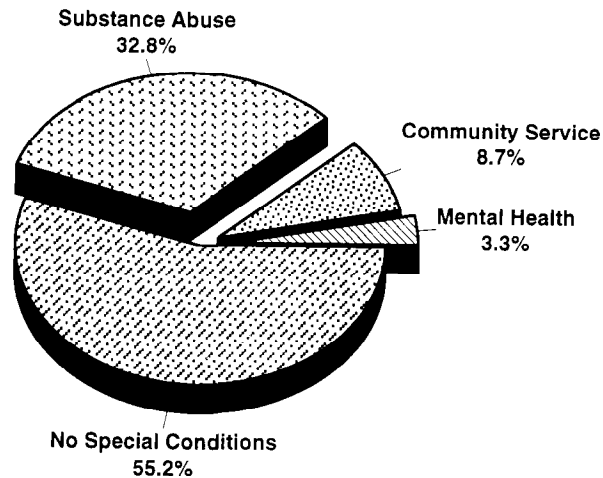
**Supervision Cases  
1987-1997**



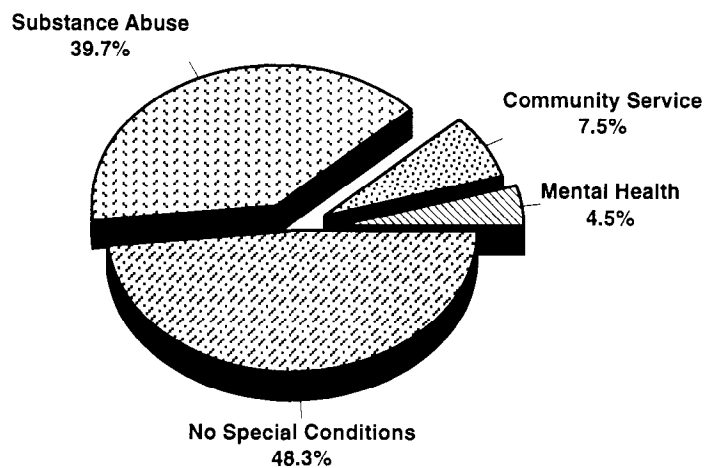
Between 1994 and 1996, there was a steady decline in the proportion of supervision cases involving substance abuse conditions: from 44 percent in 1994, to 42 percent in 1995 and 33 percent in 1996. During 1997, however, there was an increase in cases with substance abuse conditions, which may in part be related to the growing number of offenders released on supervision after serving five-year mandatory prison terms for drug offenses.

### Supervision Cases With Special Conditions

**1996:**

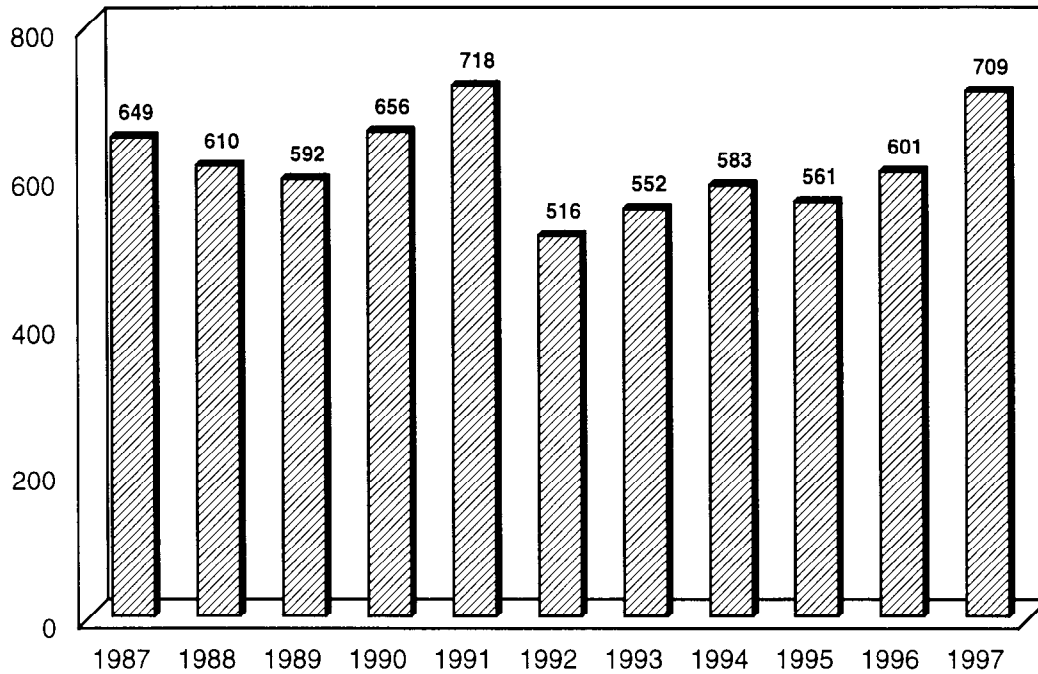


**1997:**



The production of presentence reports represents a significant portion of the Probation Office's work. The reports are used by judges in structuring sentences and by the Bureau of Prisons in determining the appropriate classification and correctional facility for offenders. Since 1995, the number of presentence reports has increased significantly. There was a seven percent increase in 1996 and an increase of 18 percent in 1997.

**Presentence Reports  
1987-1997**

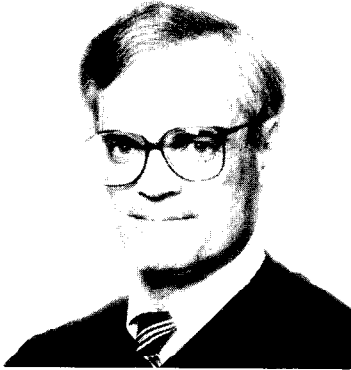


**United States  
Bankruptcy Court**



# United States Bankruptcy Court

## S. MARTIN TEEL, JR.



Judge Teel was appointed to the Bankruptcy Court in February 1988. He is a graduate of the University of Virginia, receiving a B.A. in economics in 1967 and a J.D. in 1970. Following law school, Judge Teel served as a law clerk to Judge Roger Robb of the U.S. Court of Appeals for the District of Columbia Circuit. In 1971, Judge Teel joined the Tax Division of the Department of Justice where he served as an Assistant Chief of the Civil Trial Section from 1982 until his appointment to the Bankruptcy Court.

## Office of the Clerk of the Bankruptcy Court



**Denise Curtis**  
Clerk of Court

The Office of the Clerk of the Bankruptcy Court is responsible for the overall efficiency and accuracy of records and information processed in the court. The Clerk's Office also provides service to the judiciary, bar and public by managing the case files

and documents filed with the court. The Clerk's Office is responsible for accepting documents, collecting appropriate fees, scheduling cases, providing courtroom coverage, responding to inquiries, and providing notice of landmark events to creditors.

The Clerk's Office is organized into three areas: administration, automation, and operations. The administrative area is responsible for finance, procurement, property management, personnel, and management of the court's budget. The ad-

ministrative division also handles statistical reports, training, and special projects.

The automation area develops and oversees the court's information systems, including the data communications network, telecommunications, and the national case management system. The Automation Division also supports initiatives such as quality control and training, and prepares statistical and ad hoc reports.

The Operations Division consists of three sections: intake, case administration, and courtroom services. The Intake Section receives and screens new cases and documents, answers public inquiries and requests, and acts as a liaison to the public and bar. This section also enters data related to case openings and handles records. The Case Administration Section is responsible for docketing and case management including docketing pleadings, noticing parties, setting hearings, tracking deadlines, and managing the flow of bankruptcy cases. The Courtroom Services Section records court proceedings, handles exhibits, manages the judge's calendar, and serves as liaison to chambers regarding calendaring and case management issues.

# **U.S. Bankruptcy Court Advisory Committee**

## **Advisory Committee on Local Bankruptcy Rules**

Rule 83 of Title 28 of the United States Code permits each district to adopt local rules consistent with the Federal Rules. The court's Advisory Committee on Local Bankruptcy Rules was formed in 1985 to provide expert advice to the court as local rules are promulgated and changed. The committee, which is composed of local practitioners and U.S. Trustees, also acts as a vehicle for the receipt and submission to the court of comments on proposed rule changes.

The membership of the Advisory Committee on Local Bankruptcy Rules is as follows:

Paul D. Pearlstein, Chair	
Marc E. Albert	David Lynn
Stephen J. Csontos	Kevin R. McCarthy
Francis P. Dicello	Cynthia A. Niklas
Mary Joanne Dowd	Claire M. Whitaker
Dennis J. Early	William Douglas White
Judge S. Martin Teel, Jr., Liaison	

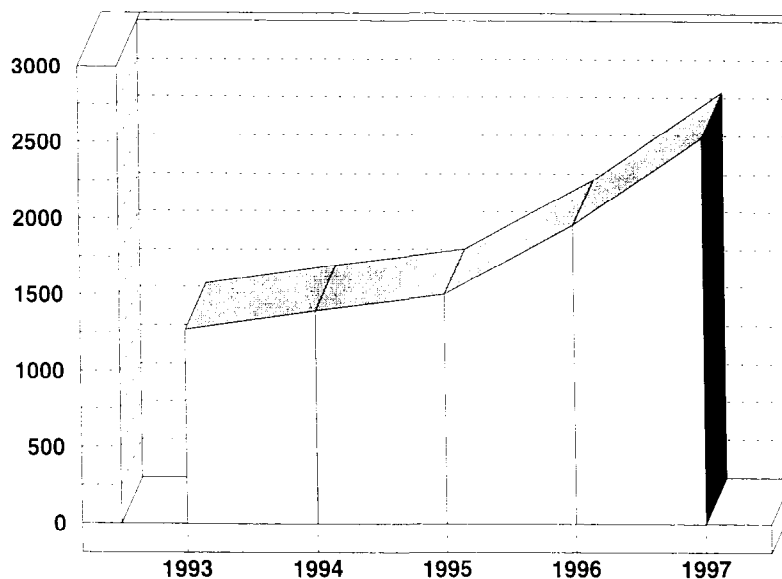
## U.S. Bankruptcy Court Workload Information

Following an eight percent increase in 1995, bankruptcy case filings began a sharp upward climb in 1996, with a 31 percent increase in filings that year and a 29 percent increase in 1997. This increase is slightly higher than the national average for bankruptcy filings which increased by 26 percent in 1996 and by 23 percent in 1997. Similar to previous years, the ratio of business and non-business filings remained relatively constant, with non-business filings comprising 94 percent of the filings in 1996, and 96 percent in 1997.

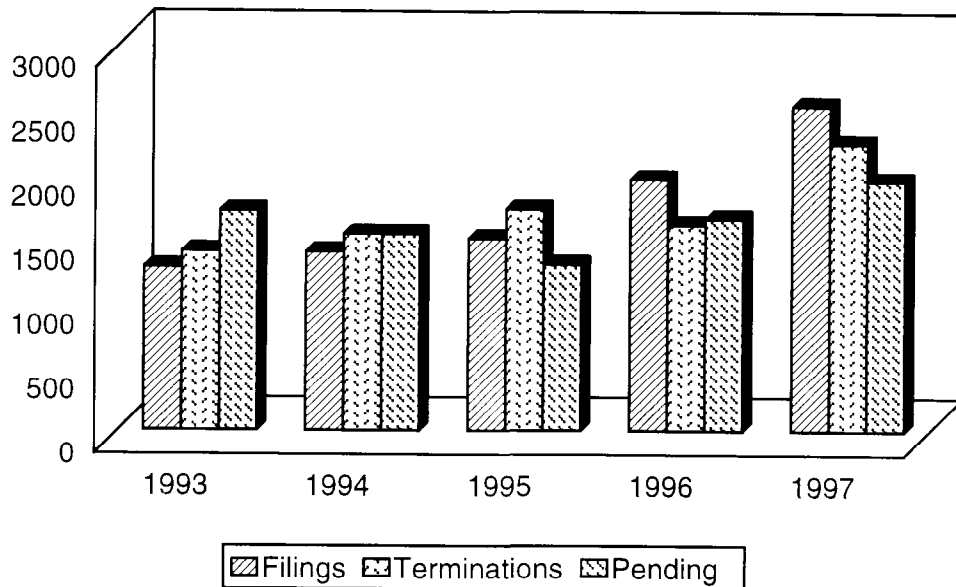
	1995	1996	Change	1997	Change
<b>Filings*</b>	1,502	1,961	31%	2,539	29%
<b>Terminations</b>	1,727	1,606	-7%	2,243	40%
<b>Pending</b>	1,300	1,654	27%	1,950	18%

\* Includes reopened cases

**Case Filings  
1993-1997**

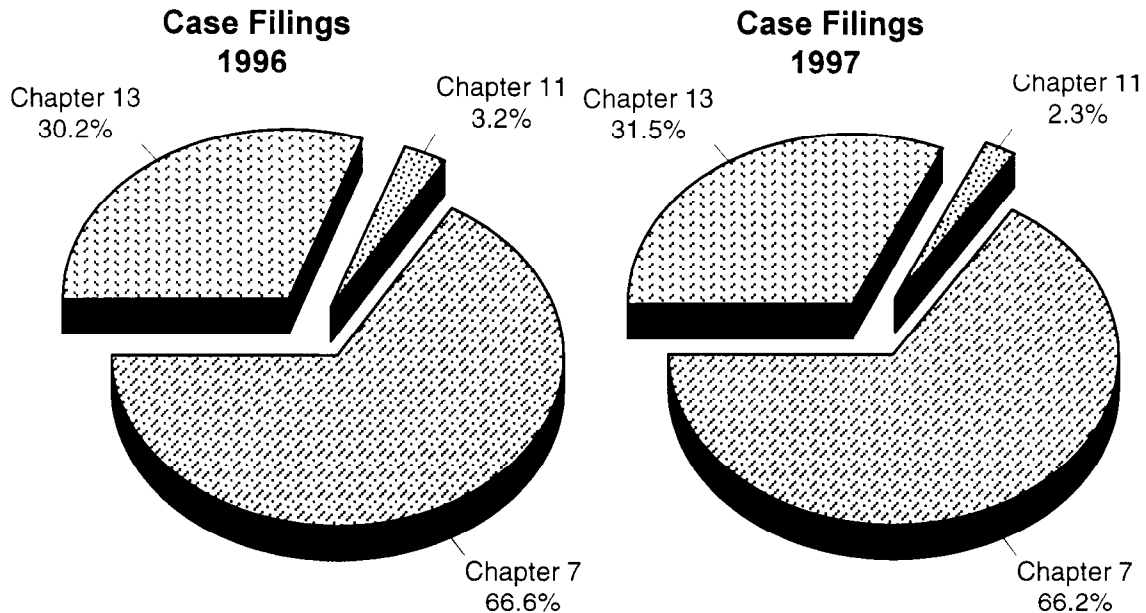


### Caseload Summary 1993-1997



The composition of cases filed in 1996 and 1997 was consistent with the composition of filings in previous years. Of the 1,961 cases filed in 1996, 1,306 were filed under Chapter 7, 62 were Chapter 11 filings, and 593 were Chapter 13 filings. In 1997, 2,539 cases were filed: 1,681 under Chapter 7; 59 under Chapter 11; and 799 under Chapter 13.

After decreasing in 1994 and 1995, adversary proceedings increased by 20 percent in 1996 with 147 filings, and then declined by 27 percent in 1997 with 107 filings.

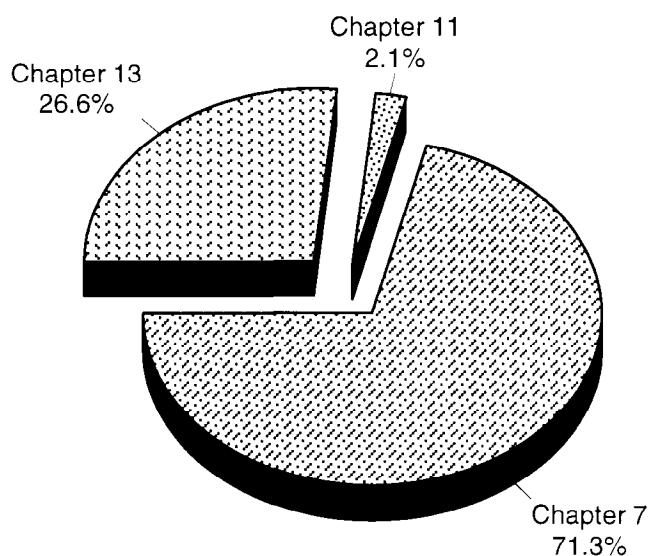


The total number of bankruptcy cases terminated decreased by seven percent in 1996 and then increased by 40 percent in 1997. Of the 1,606 cases closed in 1996, 1,145 cases were Chapter 7, 34 were Chapter 11, and 427 were Chapter 13. In 1997, 2,243 cases were closed: 1,675 were Chapter 7; 59 were Chapter 11; and 509 were Chapter 13.

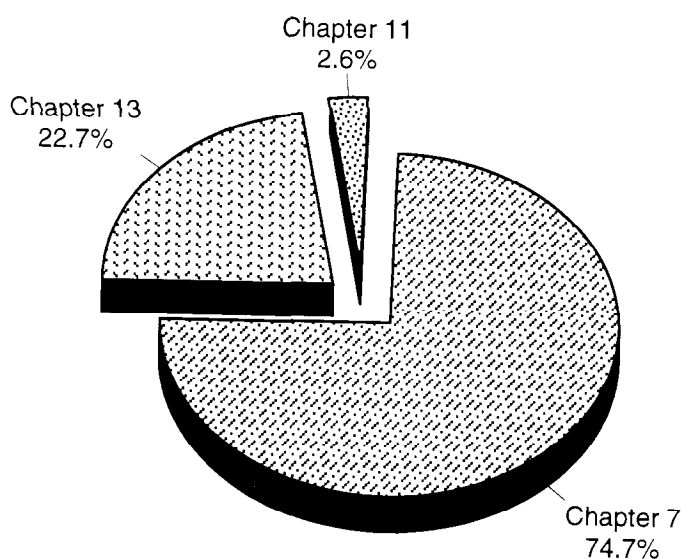
During 1996, 146 adversary proceedings were terminated (31 percent less than in the previous year), and 130 were terminated in 1997 (11 percent less than in the previous year).

### Bankruptcy Case Terminations

**1996:**



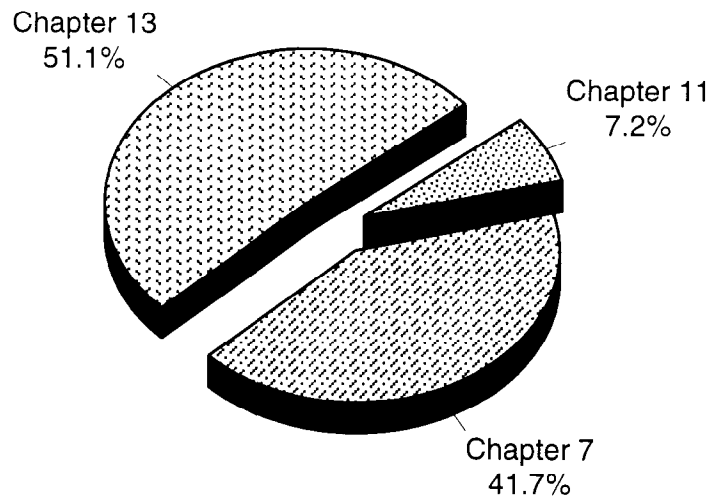
**1997:**



Similar to previous years, of the 1,654 cases pending at the end of 1996 and the 1,950 cases pending at the end of 1997, more than half were Chapter 13 cases (846 in 1996 and 1,136 in 1997). The bulk of the remaining pending cases, 689 in 1996 and 695 in 1997, were Chapter 7.

### Pending Cases

**1996:**



**1997:**

